

Title 9

PEACE, SAFETY AND MORALS

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Chapter 9.04

OFFENSES

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Section 9.04.010 Prohibition against certain forms of aggressive solicitation.

A. Definitions. For purposes of this section:

1. "Solicit, ask or beg" shall include using the spoken, written, or printed word, or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

2. "Public place" shall mean a place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, the right-of-way of any freeway, including any on ramp, off ramp, or roadway shoulder which lies within the right-of-way of the freeway, highway, sidewalk, median, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby and other portion of any business establishment, an apartment house or hotel not constituting a room or apartment designed for actual residence.

3. "Aggressive manner" shall mean any of the following:

(a) Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to:

(1) fear bodily harm to oneself or to another, or

(2) damage to or loss of property, or

(3) otherwise be intimidated into giving money or other thing of value;

(b) Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting, asking or begging;

(c) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

(d) Using violent or threatening gestures toward a person solicited either before, during or after soliciting, asking or begging;

(e) Persisting in closely following or approaching a person, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing or value to the solicitor; or

(f) Using profane, offensive or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during, or after solicitation.

B. Aggressive Solicitation prohibited.

No person shall solicit, ask or beg in an aggressive manner in any public place.

C. All solicitation prohibited at specified locations.

1. Banks and ATMs.

No person shall solicit, ask or beg within 15 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 15 feet of any automated teller machine during the time it is available for customers' use. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility. Provided further that no person shall solicit, ask or beg within an automated teller machine facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession of such facility. Nothing in this paragraph shall be construed to prohibit the lawful vending of goods and services within such areas.

(a) Definitions. For purposes of this section:

(1) "Bank" means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(2) "Savings and loan association" means any federal savings and loan association and any "insured institution" as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

(3) "Credit union" means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration.

(4) "Check cashing business" means any person duly licensed as a check seller, bill payer, or prorater pursuant to Division 3 of the California Financial Code, commencing with Section 12000.

(5) "Automated teller machine" shall mean any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

(6) "Automated teller machine facility" shall mean the area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(a) Exemptions. The provisions of Subsection C.1. shall not apply to any unenclosed automated teller machine located within any building, structure or space whose primary purpose or function is unrelated to banking activities, including but not limited to supermarkets, airports and school buildings, provided that such automated teller machine shall be available for use only during the regular hours of operation of the building, structure or space in which such machine is located.

2. Motor vehicles.

No person shall approach an operator or occupant of a motor vehicle for the purpose of soliciting, asking or begging while such vehicle is located in a public place, except as exempted in subsection 4.

3. Parking lots.

No person shall solicit, ask or beg in any public parking lot or structure any time after dark. "After dark" means any time from one-half hour after sunset to one-half hour before sunrise, except as exempted in subsection 4.

4. Exemptions.

Subsections C.2. and C.3. shall not apply to any of the following:

(a) to solicitations related to business which is being conducted on the subject premises by the owner or lawful tenants;

(b) to solicitations related to the lawful towing of a vehicle; or

(c) to solicitations related to emergency repairs requested by the operator or other occupant of a vehicle.

5. Public transportation vehicles.

Any person who solicits, asks or begs in any public transportation vehicle is guilty of a violation of this section.

(a) Definitions. For purposes of this section:

(1) "Public transportation vehicle" shall mean any vehicle, including a trailer bus, designed, used or maintained for carrying 10 or more persons, including the driver; or a passenger vehicle designed for carrying fewer than 10 persons, including the driver, and used to carry passengers for hire.

D. Penalty.

A violation of this section is punishable as a misdemeanor or infraction, chargeable at the City Attorney's discretion.

E. Severability.

The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

F. Non-exclusivity.

Nothing in this chapter shall limit or preclude the enforcement of other applicable laws. (Ord 6706 § 1, 2003; Ord. 6178 § 1, 1994)

Section 9.04.120 Loitering.

It is unlawful for any person to loiter or to stand or sit in or at the entrance of any church, hall, theater, or place of public assemblage so as to in any manner obstruct such entrance. (Prior code § 21.33)

Section 9.04.140 Sounding bell or whistle on streetcar or locomotive engine.

It is unlawful for any person operating a locomotive engine or streetcar within the City to blow or sound the whistle or bell of such locomotive engine or streetcar for any other purpose than to warn persons of danger from the approach of such locomotive engine or such streetcar, or for the protection of life and property. (Prior code § 21.38)

Section 9.04.190 Use of public and private school ground at certain times prohibited.

No person shall use, occupy or play any games in or upon, or loiter, or trespass in or upon any public or private school grounds in the City, including the buildings located thereon during the vacation of such school or at any other time when such school is not in session; provided, that this section shall not apply to school children occupying or playing upon school grounds before the opening of the morning session of the school or during the recess or noon hour thereof, or to hours after the last school session of each day when permission is given by the Board of Education; nor shall this section apply to other persons who have received

permission to occupy such grounds from the Board of Education. (Prior code § 21.48)

Section 9.04.200 Damaging public property.

It is unlawful for any person to cut, mark, burn, tear down, deface, remove or destroy any building or any portion of any building, walk, bridge, fence, tree, plant, shrub, ornamental structure or object, post, pipe stone, wire or any other property belonging to or used by the City or located on, above, under or along its streets, sidewalks, parks or public places or buildings, without lawful authority. (Prior code § 21.49)

Section 9.04.210 Sales to children near school grounds.

It is unlawful for every hawker, peddler, vendor, or transient or mobile merchant to sell or offer for sale to any minor child or to any minor child attending any of the public schools within the City ice cream, drinks, candy, gum, popcorn, peanuts or any other food items on the street or from other public places within one thousand feet of the exterior boundaries of land on which is located any public or private school or pre-school building within the City between the hours of seven a.m. and four p.m. of any school day. (Ord. 6050 § 1, 1993; prior code § 21.57)

Section 9.04.220 Loitering for drug activities.

A. Acts Prohibited. It is unlawful for any person to loiter in, on or near any thoroughfare or place open to the public or near any public or private place including, but not limited to, streets, sidewalks, parks, plazas and squares, in a manner and under circumstances manifesting the purpose of engaging in drug-related activity defined as offenses in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code.

B. Circumstances. Among circumstances that may be considered in determining whether such purpose is manifested are that the person:

1. Is a known drug user, possessor or seller. For purposes of this chapter, a "known unlawful drug user, possessor or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this State of any violation involving the use, possession or sale of any of the substances referred to in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code, or such person has been convicted of any violation of any of the provisions of said sections or substantially similar laws of any political subdivision of this State or of any other State; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or a person who possesses drug paraphernalia as defined in California Health and Safety Code § 11014.5;

2. Is currently subject to an order prohibiting his or her presence in a high drug activity geographic area;

3. Behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, acting as a "lookout";

4. Is physically identified by the officer as a member of a "gang" or association which has as its purpose illegal drug activity;

5. Transfers small objects or packages for currency in a furtive fashion;

6. Takes flight upon the appearance of a police officer;

7. Tries to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity;

8. Is in an area that is known for unlawful drug use and trafficking;

9. Is on or in premises that have been reported to law enforcement as a place suspected of unlawful drug activity;

10. Is in or within six feet of any vehicles registered to a known unlawful drug user, possessor or seller, or a person for whom there is an outstanding warrant for a crime involving

drug-related activity.

C. Penalty. A violation of this section is punishable as a misdemeanor or infraction, chargeable at the City Attorney's discretion.

D. Severability. If any part or provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of the section, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this section are severable. (Ord. 6178 § 2, 1994)

Section 9.04.230 Display and sale of drug paraphernalia.

A. Purpose.

Regulating business establishments that display or offer for sale drug paraphernalia is a reasonable and necessary means to protect and promote the general welfare of the children and minors of the City of Riverside exposed to illegal drugs. The regulations promote the general welfare and temperance of children and minors and are intended to help reduce the illegal consumption and purchase of illegal drugs by children and minors by limiting their exposure to drug paraphernalia.

B. Definitions.

The following words and phrases, whenever used in this section, shall be construed as defined in this section.

1 "Drug paraphernalia," including but not limited to one or more of those items identified in that list set forth in Subparagraph 3 below, shall mean any device designed primarily for use by individuals for the smoking or ingestion of marijuana, hashish, hashish oil, cocaine, or any other "controlled substance," as that term is defined in the Health and Safety Code of the State of California.

2 A device "designed primarily for" the smoking or ingestion set forth in Subparagraph B.1 above is a device, which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of marijuana, hashish, hashish oil, cocaine, or any other "controlled substance," and is peculiarly adapted to that purpose by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the device for some other purpose.

3. Includable Items or Devices:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent or otherwise, heads or punctured metal bowls;

(b) A device constructed so as to prevent the escape of smoke and to accumulate smoke into a chamber to permit inhalation or ingestion of larger quantities of smoke than would otherwise be possible, whether the device is known as a "bong," or otherwise;

(c) A smokable pipe constructed with a receptacle or container in which water or other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested;

(d) A smokable pipe which contains a heating unit, whether the device is known as a "electric pipe," or otherwise;

(e) A device constructed so as to permit the simultaneous mixing and ingestion of smoke and nitrous oxide or other compressed gas, whether the device is known as a "buzz bomb," or otherwise;

(f) A canister, container or other device with a tube, nozzle or other similar arrangement attached and so constructed as to permit the forcing of accumulated smoke into the user's lungs under pressure;

(g) A device for holding a cigarette, whether the device is known as a "roach clip," or otherwise;

- (h) A spoon for ingestion through the nose;
- (i) A straw or tube for ingestion through the nose or mouth.

4 "Public Library" - A place in which literary, musical, artistic, or reference materials, such as books, manuscripts, newspapers, recordings, or films, are kept for use but not for sale, which is under the control, operation or management of the City.

5. "Public Park" - A park, playground, swimming pool, recreation center reservoir, golf course or similar athletic field within the City of Riverside, which is under the control, operation or management of the City and which is devoted to active or passive recreation.

6. "Religious Institution" - A building that is used primarily for religious worship and related religious activities.

7. "Schools" - An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes kindergarten, elementary, junior high, senior high or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

C. Business Establishment Responsibility

1 It shall be unlawful for any person in charge or control of any business establishment where drug paraphernalia is displayed for sale, offered for sale or sold, to knowingly allow or permit a minor, not accompanied by one or both of his or her parents or by his or her legal guardian, to enter and remain within any business establishment where drug paraphernalia is displayed for sale, offered for sale or sold.

D. Signage Requirements for Business Establishment

1 It shall be unlawful for any person in charge or control of a business establishment where drug paraphernalia is displayed for sale, offered for sale, or sold, to fail to display and maintain or fail to cause to be displayed and maintained, at least one sign stating that a minor may not enter unless accompanied by one or both of his or her parents or by his or her legal guardian.

2. For purposes of subsection D.1, the language "MINORS PROHIBITED UNLESS ACCOMPANIED BY A PARENT OR GUARDIAN" on the signs shall be printed in letters at least two inches high in black ink on a white surface. These signs shall be placed in a conspicuous location near each public entrance to the business establishment where drug paraphernalia is displayed for sale, offered for sale, or sold.

3. In the event a substantial number of public invitees or patrons of a business establishment where drug paraphernalia is displayed for sale, offered for sale or sold, uses a language other than English as a primary language, any sign required pursuant to this section shall be worded in both English and the language or languages involved.

E. Restrictions on Entry by Minors

1 In the event a sign or signs have been posted as required by Subsection B above, it shall be unlawful for a minor to enter any business establishment where drug paraphernalia is displayed for sale, offered for sale or sold, unless a minor is accompanied by one or both of his or her parents or by his or her legal guardian.

F. Restrictions on Locations for Business Establishments Where Drug Paraphernalia May Be Displayed or Sold

1. Prohibitions.

(a) No person shall operate a business establishment, where drug paraphernalia is displayed for sale, offered for sale or sold, within 500 feet of any school, religious institution, public library or public park.

(b) The distance specified in Subparagraph (a) above shall be the horizontal distance measured in a straight line from the property line of a school, religious institution, public park, or

public library to the closest exterior structural wall of the business establishment without regard to intervening structures. (Ord. 6703 § 1, 2003)

Section 9.04.240 Throwing stones and missiles.

It is unlawful for any person to throw stones or other missiles at vehicles of any kind or at persons passing on the street or in any other place, or to frighten or attempt to frighten any horse or other animal carrying persons in vehicles or otherwise, or to wantonly or willfully throw stones or other missiles at any animal, the property of another. (Prior code § 21.60)

Section 9.04.280 Annoying pedestrians--Impeding free passage.

A. No person shall stand in or upon any street, sidewalk or other public way open for pedestrian travel or otherwise occupy any portion thereof in such a manner as to annoy or molest any pedestrian thereon or so as to obstruct or unreasonably interfere with the free passage of pedestrians.

B. No person shall sit, lie or sleep in or upon any street, sidewalk or other public way.

The provisions of this section shall not apply to persons sitting on the curb portion of any sidewalk or street while attending or viewing any permitted parade; nor shall the provisions apply to persons sitting upon benches or other seating facilities provided for such purpose by City authority or permitted by this Code. (Ord. 3566 § 1, 1968)

Section 9.04.290 Bicycles, skateboards, etc.

A. It is unlawful for any person to ride upon any bicycle, scooter, roller skate or skates, skateboard or other similar contrivance upon any sidewalk within any business district within the City, or upon the Main Street Mall bordered by Sixth Street on the north and Tenth Street on the south. (Ord. 7012 § 1, 2008)

B. It is unlawful for any person to ride upon any bicycle, scooter, roller skate or skates, skateboard or other similar contrivance upon any private sidewalk, private parking lot or private parking facility within any business district within the City without the direct or implied consent of the owner or person in lawful possession thereof if there is displayed in plain view on the property a sign prohibiting such riding and referring to this code section. (Ord. 5641 § 1, 1988)

Section 9.04.300 Trespass on private property.

A. No person shall enter or be present upon any private property or portion of private property not open to the general public without the consent of the owner, the owner's agent, or the person in lawful possession, where signs forbidding entry are displayed as provided in Subsection F.

B. No person shall enter upon any private property or portion of private property, not open to the general public, who within the immediately preceding six months was advised as follows: to leave and not return, and that if he or she returns to the property within six months of the advisement he or she will be subject to arrest. This advisement must be made by the owner, the owner's agent, the person in lawful possession or a peace officer at the request of the owner, owner's agent or person in lawful possession. The advisement shall be documented in writing by the individual making it and shall include the name of the person advised, the date, approximate time, address and type of property involved. Such documentation shall be retained for a minimum period of one year. This subsection is not violated if a person so advised enters the property within the designated six-month period, if he or she has been expressly authorized to do so by the owner, the owner's agent or a person in lawful possession.

C. Entry Requiring Express Consent of Owner.

1. No person shall enter or be present upon private property not open to the general

public without the express consent of the owner or the owner's agent when that person:

a. Has been convicted or any violation of the law involving narcotics, prostitution, vandalism, threat to commit a violent act, or a violent act, on that same private property not open to the general public, whether or not such property is posted in accordance with subsection F; and

b. Has, subsequent to the conviction been told to leave and not return to that same property by the owner, the owner's agent or a peace officer at the request of the owner or the owner's agent.

2. The request to leave must be made within six months of the date of the conviction and shall be documented in writing by the individual making the request. The documentation of the request shall include the name of the person being requested to leave, the date, the approximate time, the address and the type of property involved.

3. This subsection applies even if the person has the consent of a person in lawful possession but does not apply to persons who have a right of lawful possession to the subject property. An individual who has the consent of the person in lawful possession may not be refused entry by the owner or the owner's agent for a period exceeding twelve months, computed from the date of the request.

D. No person shall enter or be present upon any private property or portion of private property open to the general public who within the immediately preceding twenty-four hours was advised to leave and not return, and that if he or she returns to the property within twenty-four hours of the advisement, he or she will be subject to arrest. This advisement must be made by the owner, the owner's agent, the person in lawful possession or a peace officer at the request of the owner, owner's agent or the person in lawful possession. A request to leave may be made only if it is rationally related to the services performed or the facilities provided.

E. The term "private property" shall mean any real property, including but not limited to, buildings, structures, yards, open spaces, walkways, courtyards, driveways, carports, parking areas and vacant lots, except land which is used exclusively for agricultural purposes, owned by any person or legal entity other than property owned or lawfully possessed by any governmental entity or agency.

F. For purposes of Subsection A, one sign must be printed or posed in a conspicuous manner at every walkway and driveway entering any enclosed property or portion thereof and at a minimum of every fifty feet along the boundary of any unenclosed lot. This requirement is met if at least one sign is conspicuously printed or posted on the outside of every structure on such property, so as to be readable from each walkway and driveway entering such property. The sign shall State as follows:

THIS PROPERTY CLOSED TO THE PUBLIC

No Entry Without Permission

R.M.C. §9.04.300

The language "THIS PROPERTY CLOSED TO THE PUBLIC No Entry Without Permission" on said sign shall be at least two inches high.

G. When a peace officer's assistance in dealing with a trespass is requested, the owner, owner's agent, or the person in lawful possession shall make a separate request to the peace officer on each occasion. However, a single request for a peace officer's assistance may be made to cover a limited period of time not to exceed twelve months when such request is made in writing and provides the specific dates of the authorization period.

H. This section shall not apply in any of the following instances: (1) when its application results in, or is coupled with, any act prohibited by the Unruh Civil Rights Act, or any other provision of law relating to prohibited discrimination against any person; (2) when its application results in, or is coupled with, an act prohibited by Section 365 of the California Penal Code, or

any other provision of law relating to the duties of innkeepers; (3) when public officers or employees are acting within the course and scope of their employment or in the performance of their official duties; or (4) when persons are engaging in activities protected by the United States Constitution or the California Constitution or when persons are engaging in acts which are expressly required or permitted by any provision of law.

I. Violation of any of the provisions of this section shall be a misdemeanor or an infraction.

J. If any part or provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of the section, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this section are severable. (Ord. 6178 § 3, 1995)

Section 9.04.400 Conduct on public property.

A. Obstruction of Movement in Public Ways. No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this Section, shall occupy any portion of a public way or public place so as to obstruct or interfere with the flow of pedestrian or vehicular traffic thereon, whether such person does so alone or together with one or more persons, or with equipment or personal property of any nature, and whether such person does so by standing, sitting, lying, or in any other manner.

B. Sitting or Lying Down on Public Sidewalks. No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall sit or lie down upon a public sidewalk or sidewalk curb, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk.

C. Exceptions. Subsections A and B of this section shall not apply in the following cases and to the following persons:

1. Persons standing or sitting on the curb or portion of any sidewalk or street while attending or viewing any parade, festival, performance of similar event permitted under the provisions of this code;

2. Persons sitting upon benches or other seating facilities provided or authorized for such purposes by municipal authorities;

3. Any conduct which is in conformity with the terms of any permit granted pursuant to this Code;

4. Any conduct in public places that are privately owned where such conduct is in conformity with permission granted by the owner of said premises or by the person entitled to the possession of said premises;

5. Persons sitting or lying down due to a medical emergency;

6. Persons who, as the result of a disability, utilize a wheelchair or similar device to move about;

7. Persons who place chairs or stools on public sidewalks in conjunction with display devices or noncommercial uses permitted under this code.

D. Conduct on Public Property, Monuments and Lawns. No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall:

1. Walk, stand, sit or lie upon any monument, vase, decorative fountain, drinking fountain, bike rack, trash receptacle, median, fire hydrant, street tree planter berm, utility cabinet, railing, fence, planter, or upon any other public property not designed or customarily used for such purposes;

2. Walk, stand, sit or lie upon any public lawn or planted area which is posted with signs that forbid such conduct; or

3. Walk, stand or lie upon any public bench.

E. Public Urination and Defecation Prohibited. No person shall urinate or defecate in public except when using a urinal, toilet or commode located in a bathroom or restroom enclosed from public view.

F. Sidewalk Obstructions -- After Dark. No person, without a permit, shall place on the public sidewalks of the City between eleven p.m. and five a.m. any structure or object which may potentially represent a hazard or obstruction to any able-bodied or disabled person traversing any portion of said public sidewalk. This section shall not apply to items left on public sidewalks for refuse or recycling collection.

G. Public Nuisance Declared. If any vehicle, object, structure, construction material or construction equipment is placed or left upon any public street, sidewalk, roadway, pedestrian way or bicycle path, or in any other public place in the City, contrary to the terms of this Chapter and without the written permission of the Street Superintendent, any such vehicle, object, structure, construction material or construction equipment is declared to be a public nuisance and the Street Superintendent is authorized and empowered to remove any such vehicle, object, structure, construction material or construction equipment from the public street, sidewalk, roadway, pedestrian way or bicycle path forthwith. If the person owning, or otherwise responsible for, any such vehicle, object, structure, construction material or construction equipment is present, then before removing the vehicle, object, structure, construction material or construction equipment, the Street Superintendent or the person designated by the Superintendent shall warn that person that he or she is in violation of this chapter and shall give that person the opportunity to remove forthwith the vehicle, object, structure, construction material or construction equipment.

H. Penalty. A violation of this section is punishable as a misdemeanor or infraction, chargeable at the City Attorney's discretion.

I. Severability. If any part or provision of this Section, or the application thereof to any person or circumstance, is held invalid, the remainder of the Section, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this section are severable. (Ord. 6178 § 4, 1994)

Section 9.04.500 Sitting or lying in entrance of building prohibited.

A. The terms used herein are defined as follows:

1. "Entrance" means the entire area between the outer edge of an entrance to a building and the exterior door and includes the entry way, doorway or vestibule.

B. No person shall sit or lie down in any entrance to a building between the hours of 10:00 p.m. and 7:00 a.m. the following day.

C. The prohibition contained in this Section shall not apply to any person sitting or lying down in any entrance to a building due to a medical emergency or to any person engaged in protected First Amendment activity. (Ord 6834 § 2, 2005)

Chapter 9.05

POSSESSION OF ALCOHOLIC BEVERAGES ON POSTED PREMISES AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

Sections:

9.05.010	Definitions.
9.05.020	Possession of open alcoholic beverage container.
9.05.030	Consumption of alcoholic beverage.
9.05.040	Presumption regarding consumption.
9.05.050	Exemptions.
9.05.060	Penalty.
9.05.070	Severability.

Section 9.05.010 Definitions.

"Alcoholic beverage" as used in this chapter, means and includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Posted premises" as used in this chapter, means those premises in the City which are subject to licensure under any retail package off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises on which clearly visible notices indicate to the patrons of the licensee and parking lot and to persons on the public sidewalk that the provisions of Section 9.05.020(A) of this code are applicable.

"Public place" as used in this chapter, includes any City park; any municipally owned, leased or operated public property, building or facility; and any public street, sidewalk, alley, playground, parkway, or any place open to the patronage of the public which premises are not licensed for the consumption of such alcoholic beverage thereon. (Ord. 6433 § 1, 1998; Ord. 5792 § 1, 1990)

Section 9.05.020 Possession of open alcoholic beverage container.

A. Pursuant to California Penal Code Section 647e (a), it shall be unlawful for any person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken or the contents of which have been partially removed, to enter, be or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000 of the Business and Professions Code), or on any public sidewalk immediately adjacent to the licensed premises.

B. Within thirty days of adoption of a resolution of the City Council so requiring, all retail package off-sale alcoholic beverage licensees licensed pursuant to Division 9 of the Business and Professions Code to operate in the City, shall post such licensed premises with notices clearly visible to patrons of the licensee and the parking lot immediately adjacent to the licensed premises and to persons on the adjacent public sidewalk that the provisions of Subsection A of this section are applicable. Such notices shall include language that states that possession of any opened alcoholic beverage container is prohibited by law. Licensees shall ensure that such notices remain posted at all times.

C. The provisions of this Section shall not apply to a private residential parking lot which

is immediately adjacent to the posted premises.

D. Pursuant to California Business and Professions Code Section 25620, it shall be unlawful for any person to possess any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken or the contents of which have been partially removed, within any City park, or any recreation and park district, or any regional park or open-space district, or other City-owned public place.

1. Nothing in this section shall apply where the possession is within premises located in a park or other public place for which a license has been issued pursuant to California Business and Professions Code, Division 9, Section 23000 et seq.

2. This section does not apply when an individual is in possession of an alcoholic beverage container for the purpose of recycling or other related activity.

3. Any violation of this section shall be an infraction pursuant to Business and Professions Code Section 25620(a). (Ord. 6552 § 1, 2000; Ord. 6433 § 1, 1998; Ord. 5792 § 1, 1990)

Section 9.05.030 Consumption of alcoholic beverage.

A. It shall be unlawful for any person to drink or consume any alcoholic beverage in any public place within the City of Riverside. (Ord. 6433 § 1, 1998; Ord. 6226 § 1, 1995; Ord. 5792 § 1, 1990)

Section 9.05.040 Presumption regarding consumption.

For the purposes of this chapter, any person possessing an open container containing any alcoholic beverage and having an odor of alcoholic beverage on the person's breath is presumed to be consuming or attempting to consume an alcoholic beverage at the place where the person is located. (Ord. 6433 § 1, 1998; Ord. 5792 § 1, 1990)

Section 9.05.050 Exemptions.

The provisions of this chapter shall not apply to the following:

A. Any residential property or portions of residential property to which the public may ordinarily have access.

B. Those activities or events in any municipally owned, leased or operated public property, building, or facility including the Pedestrian Mall as defined by Section 13.20.010 of the code, sponsored, allowed, or permitted by the City Manager or his/her designee.

C. Any function with a permit duly issued by the City Council or by the State Department of Alcoholic Beverage Control specifying the times and locations upon which alcoholic beverages may be consumed. The City Council may by resolution establish procedures for an alcoholic beverage use permit including the imposition of a processing fee. (Ord. 7007 § 1, 2008; Ord. 6433 § 1, 1998; Ord. 5792 § 1, 1990)

Section 9.05.060 Penalty.

A violation of any provision of this chapter shall be an infraction; provided, however, for the second or any additional violation, within any one-year period, the City Attorney at his/her discretion may file as a misdemeanor, with the exception of Section 9.05.020 which may only be prosecuted as an infraction pursuant to Business and Professions Code Section 25620(a). (Ord. 6552 § 1, 2000; Ord. 6433 § 1, 1998; Ord. 5792 § 1, 1990)

Section 9.05.070 Severability.

If any part or provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, including the application, of that part

or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable. (Ord. 6433 § 1, 1998)

Chapter 9.06

CURFEWS

Sections:

9.06.010	Findings.
9.06.015	Definitions.
9.06.020	Curfew established.
9.06.030	Curfew exceptions.
9.06.040	Permitting violation by adult.
9.06.050	Penalty for minors.
9.06.060	Severability.

Section 9.06.010 Findings.

The City Council finds and determines that the following legitimate and compelling governmental interests justify establishment of a curfew for minors: (a) protection of children from each other and from other persons on the street during late night and early morning hours; (b) protection of the public from nocturnal gang-related crime; (c) reduction of widespread juvenile criminal activity; (d) encouragement of parental control of and responsibility for their children. It is the intent of the City Council to allow minors under the age of eighteen to move about freely while participating in legitimate activities, and to pursue legitimate activities during the hours specified in Section 9.06.020 with the permission of his or her parent, guardian, or other adult person having the lawful care and custody of the minor. (Ord. 5998 § 1, 1992)

Section 9.06.015 Definitions.

As used in this chapter, a "minor" means any individual below the age of eighteen years. (Ord. 5998 § 1, 1992)

Section 9.06.020 Curfew established.

It is unlawful for any minor to be in or upon any public street, road, sidewalk, highway, park, vacant lot, alley, playground, curb, gutter, driveway, walkway, or other public place, whether inside or outside a motor vehicle, between the hours of ten p.m. and five a.m. except as hereinafter set forth in Section 9.06.030. (Ord. 6302 § 1, 1996; Ord. 5998 § 1, 1992)

Section 9.06.030 Curfew exceptions.

The following shall constitute valid exceptions to the operation of the curfew:

A. The minor is accompanied by his or her parent or other responsible person over the age of twenty-one and approved by the child's parent or legal guardian;

B. The minor is on any emergency errand or lawful business as directed by his or her parent or legal guardian;

C. The minor is going directly between his or her home and place of employment. This exception shall only be valid if the child has in his or her possession a written statement from the employer attesting to the place and hours of employment;

D. The minor is coming directly home from a meeting or a place of public entertainment such as a concert, movie, play, athletic or sporting event, school, dance, political activity or religious activity. This exception will apply for one-half hour after the completion of such event, but in no case beyond two a.m.;

E. The minor is engaged in interstate or intrastate travel, with the consent of his or her parent or legal guardian;

F. The minor is emancipated, and has in his or her possession proof of such status. (Ord. 5998 § 1, 1992)

Section 9.06.040 Permitting violation by adult.

Any parent, guardian, or other person having legal care, custody, or control of any minor under the age of eighteen who knowingly allows or permits such minor to be in violation of Section 9.06.020 is guilty of a misdemeanor. (Ord. 5998 § 1, 1992)

Section 9.06.050 Penalty for minors.

Any minor violating the provisions of Section 9.06.020 shall be guilty of a misdemeanor and shall be dealt with in accordance with the Juvenile Court laws of the State of California (Chapter 2, Division 2 of the Welfare and Institutions Code commencing with Section 200). (Ord. 5998 § 1, 1992)

Section 9.06.060 Severability.

If any section, subsection, sentence, clause or phrase of Sections 9.06.010 through 9.06.050 is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council hereby declares that it would have passed those sections, subsections, clauses, phrases, irrespective that one or more may be declared invalid or unconstitutional. (Ord. 5998 § 1, 1992)

Chapter 9.07

CHARGE FOR POLICE RESPONSE TO LOUD OR LARGE PARTIES

Sections:

9.07.010	Findings.
9.07.020	Purpose.
9.07.030	Definitions.
9.07.040	Police response to loud or large parties.
9.07.050	Billing.
9.07.060	Debt of City.
9.07.070	Appeal.

Section 9.07.010 Findings.

The City Council finds and determines that loud or large parties on private property can constitute a threat to the peace, health, safety, or general welfare of the public. Police officers have been required to make many return calls to loud or large parties in order to disperse uncooperative or unruly participants in order to restore the public peace and safety. Such return calls drain the manpower and resources of the police department, and can leave other areas of the City without minimal levels of police protection so as to create a significant hazard to the safety of citizens and police officers. (Ord. 6090 § 1, 1993)

Section 9.07.020 Purpose.

The purpose of this chapter is to allow the City to obtain reimbursement for expenses related to second and additional responses to loud or large parties which have been determined to be a threat to the public peace, health, safety or general welfare. (Ord. 6090 § 1, 1993)

Section 9.07.030 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings given herein:

"Large party" or "loud party" means a gathering or assembly of persons on a premises within the City of Riverside at the invitation, request, or consent of the person in charge or control of the premises.

"Police service fee" means all costs of personnel and equipment for the amount of time actually spent in responding to or in remaining at a loud or large party at a rate established by resolution of the City Council.

"Responsible party" means that person or persons in charge of the premises or location, or the person or persons responsible for the event or incident, and shall include any of the following:

1. The person or persons who own the property where the loud or large party takes place.
2. The person or persons in charge of the premises where the loud or large party takes place.
3. The person or persons authorizing the use of the premises for the loud or large party.
4. The person or persons who organized the large party.

If any of those persons are minors, the parent or guardians of such minor(s) shall be the responsible party.

"Subsequent police response" means any police response to the location of a loud or

large party made within fifteen days after a police officer has given a written warning to the responsible party notifying said person that a police services fee will be imposed for a subsequent response to abate the nuisance. (Ord. 6960 § 1, 2007; Ord. 6090 § 1, 1993)

Section 9.07.040 Police response to loud or large parties.

A. If a loud or large party occurs or is held and the police officer initially investigating the matter determines that the same is a threat to the public peace, health, safety or general welfare or constitutes a nuisance, said officer shall, in addition to any other duty or responsibility imposed by law, give a written warning (disturbance violation notice) to the responsible party that if a further response is necessary because of the continuation of any objectionable activity that the responsible party will be held liable to the City for the amount of the police service fee.

B. A police service fee shall be imposed if a subsequent police response to the loud or large party is necessary to control or abate the nuisance or to protect the public peace, health, safety or general welfare.

C. The provisions of this chapter are in addition to the authority of the police to regulate loud or large parties and shall supplement, and not supplant, the exercise of any other available law including, but not limited to, arrest or citation pursuant to the California Penal Code or other law or ordinance. (Ord. 6090 § 1, 1993)

Section 9.07.050 Billing.

The Chief of Police or the designee of the Chief of Police shall notify the Finance Department in writing of the name and address of the person responsible for the party, the date and time of the incident, of the services performed and the police services required, and such other information as may be necessary. The Finance Department shall thereafter cause appropriate billing of the police service fee to be made to the responsible party. (Ord. 6090 § 1, 1993)

Section 9.07.060 Debt of City.

The amount of any police service fee charged pursuant to this chapter shall be deemed a civil debt owing to the City by the responsible party. (Ord. 6090 § 1, 1993)

Section 9.07.070 Appeal.

A. Any person receiving a bill for police services provided pursuant to this chapter, may, within fifteen days after said bill was sent, file a written request appealing the police services fee imposed with the City Manager. The City Manager or the appointed designee of the City Manager shall set the matter for a hearing, which hearing shall be within thirty days after receipt of the notice of appeal or such longer period as may be agreed to by the appellant. The City Manager or the designee of the City Manager shall render a written decision on the appeal within ten days following the close of the hearing. The decision of the City Manager or the designee of the City Manager shall be final.

B. After a request for appeal is filed, the City shall withhold collection of the bill until conclusion of the appeal.

C. If, after a hearing, the appeal is denied in part or in full, all amounts due to the City shall be paid within thirty days. (Ord. 6090 § 1, 1993)

Chapter 9.08

USE OF PUBLIC PARKS

Sections:

- 9.08.010** Rules and regulations adopted.
- 9.08.015** Use of White Park.
- 9.08.020** Dogs permitted; leash requirements; exceptions; conditions.
- 9.08.030** Animals prohibited; Exceptions.
- 9.08.040** Animals protected.
- 9.08.050** Animals; Removal of feces.
- 9.08.060** Bicycle and skateboard riding rules.
- 9.08.065** Designated skateboarding area rules.
- 9.08.070** Camping; Permit required.
- 9.08.080** Fires prohibited; Exceptions.
- 9.08.090** Games; Restrictions.
- 9.08.100** Liquid waste and refuse.
- 9.08.110** Park hours.
- 9.08.120** Reservations and permits.
- 9.08.130** Restroom use.
- 9.08.140** Smoking prohibited; Exceptions.
- 9.08.150** Vehicle maintenance prohibited.
- 9.08.160** Vehicles prohibited on surfaces other than roads for public use.
- 9.08.170** Water prohibitions.
- 9.08.180** Severability of parts of code.

Section 9.08.010 Rules and regulations adopted.

The rules and regulations set out in this Chapter are established and adopted for the use of public parks in the City of Riverside. All persons using any public park or any facility thereon in any manner shall obey all applicable rules and regulations herein established or adopted. Any persons desiring to vend or sell or offer for sale any merchandise or article or thing whatsoever must have the written consent of the Park and Recreation Commissioners. As used in this Chapter, "Park and Recreation Director" shall mean the Parks, Recreation and Community Services Director. (Ord. 6832 § 2, 2005; Ord. 6526 § 2, 2000; Ord. 4888 § 1, 1981; Ord. 4267 § 1, 1976; prior code § 25.1)

Section 9.08.015 Use of White Park.

A. The rules and regulations set out in this section are established and adopted for the use of White Park in the City of Riverside. All persons using White Park or any facility thereon in any manner shall obey all applicable rules and regulations herein established or adopted. Except as otherwise provided in this Section, all rules and regulations set out in Chapter 9.08 shall apply to the use of White Park.

B. White Park is designated as a passive use park for activities that are engaged in by individuals or small groups, usually not dependent on a delineated area designed for specific activities. The facilities at White Park will include the following.

1. A walk-through botanical garden.
2. A small community meeting room which will accommodate up to 50 people which can be used for meetings and seminars.

3. Permanently affixed tables with inlaid chess/checkerboards and adjacent benches.
4. Bandstand for outdoor performances and special events.

C. White Park is not designed for active use such as soccer, football, baseball, softball, basketball, tennis, volleyball, wheelchair football, bicycling, skateboarding, or skating. There are no fields, courts, or large open space areas within White Park.

D. In consideration of the designated passive use of White Park, the following are prohibited from the park;

1. Dogs, except as provided in section 9.08.020.B.
2. Bicycles, skateboards, scooters, roller skates, roller blades, in-line skates, shopping carts, or any other self propelled device, unless specifically used in connection with a physical disability under federal or state law.

E. White Park Hours.

White Park shall be open for specific hours and times for normal use of the park which shall be determined by the Parks and Recreation Director and shall be posted on all entrances to the park.

White Park may also be open for special events sponsored by the Parks and Recreation Department or as reserved by permit for special private events as provided in section 9.08.120.

F. Any person who fails to obey the rules and regulations for use of White Park shall be in violation of the provisions of this section. Each incident shall be a new and separate offense. (Ord. 6592 § 1, 2001)

Section 9.08.020 Dogs permitted; leash requirements; exceptions; conditions.

A. Dogs permitted on-leash. Except as herein provided, no person owning or having charge, care, custody or control of any dog shall permit or allow the same to be in a public park unless such dog is restrained by a leash not more than six feet in length and under the control of a competent person able to restrain such dog.

B. Exceptions. The requirement for a dog to be on-leash while in public park shall not apply to the following:

1. Any dog used by a law enforcement agency.
2. A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Park and Recreation Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.
3. A dog within a posted leash optional area of the park as designated by the City Council, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to maintain proper control over such dog nor shall this subsection be construed as relieving such person from liability for any damages arising out of his or her use of a leash optional area.

C. Rules and regulations for dogs in public parks.

1. It shall be unlawful for any person owning or having charge, care, custody of any dog in a public park not to immediately pick up and properly dispose of the feces of such dog. Proper disposal shall include the placement of such feces in a bag or other container and its removal from the park and disposal in an appropriate depository; provided, however, in designated leash optional areas, such bag or other container may be deposited in a container, if any, designated for such purpose.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the

person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area which is not over the age of four months, vaccinated for rabies and wearing a current dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog, of any breed, in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Park and Recreation Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided in this Subsection C, and his or her agreement to protect, indemnify, defend and hold harmless the City and its officers and employees from any claim, injury or damage arising from or in connection with such use. (Ord. 6526 § 2, 2000; Ord. 6396 § 1, 1997; Ord. 6198 § 1, 1995; Ord. 4780 § 2, 1980; Prior code § 25.2)

Section 9.08.030 Animals prohibited; Exceptions.

No person shall cause, permit, or allow any animal, bird, or reptile owned possessed by, or in the custody or control of him or her, to be present in any park except:

A. Equine animals being led or ridden under control upon a bridle path or trail authorized and provided for such purpose;

B. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

C. Dogs or cats when caged, or when led by a leash or chain not more than six feet long, or when confined within the interior of a vehicle and under the control of a competent person able to restrain said animal;

D. Dogs which have been specially trained for law enforcement purposes or which are being used by blind or disabled persons to aid and guide them in their movements;

E. Small animals, birds, reptiles, or otherwise are kept on the person of the possessor at all times;

F. In connection with activities authorized by the Park and Recreation Director and when in accordance with all conditions attached to such authorization as set forth in Section 9.08.110. (Ord. 6526 § 2, 2000; Prior code § 25.2)

Section 9.08.040 Animals protected.

No person shall hunt, frighten, disturb, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, nor to animal control officers, nor to City employees or contractors acting within the scope of their official duties or contract obligations. (Ord. 6526 § 2, 2000; Prior code § 25.4)

Section 9.08.050 Animals; Removal of feces.

Any person causing, permitting, or allowing any animal, bird, or reptile owned or possessed by him, or any animal, bird, or reptile in the custody or control of such person, to be

present in any park pursuant to the provisions of Section 9.08.030 shall immediately pick up and properly dispose of the feces in a bag or other container, and its removal from the park and disposal in an appropriate depository. (Ord. 6526 § 2, 2000; Prior code § 25.5)

Section 9.08.060 Bicycle and skateboard riding rules.

No person shall operate any skateboard, bicycle, or any propelled device or other similar article or device in or upon any park, playground, trail, open space area or other area of the City under the control of the Park and Recreation Department in willful or wanton disregard for the safety of persons or property. While elsewhere within a park, such devices shall be carried, pushed, or dismounted when moving from place to place. No person shall operate such device upon the tennis courts within any public park in the City except at or on a place especially authorized and provided for such purpose. If such purpose is authorized, users are required to wear the authorized safety gear such as helmet, wrist guards, elbow pads or said equipment for the authorized use of such activity. (Ord. 6526 § 2, 2000; Prior code § 25.6)

Section 9.08.065 Designated skateboarding area rules.

A. The following regulations shall apply to any facility, park or other area designated by the City by resolution as a skateboarding area:

1. No person shall skate or skateboard at times other than established as the hours of operation. The hours of operation shall be from thirty minutes before sunrise and thirty minutes after sunset, except as otherwise posted by City. No person shall use or remain in such facility in violation of this section without written consent of the City.

2. No person shall use the skateboarding areas for uses other than skateboarding and in-line skating.

3. No person shall use the skateboarding areas unless proper safety equipment including a helmet, elbow pads, and knee pads are worn. All such gear must be functional and protective, properly sized and designed for their intended use at the skateboarding areas.

4. Every person under the age of fourteen must be supervised by an adult.

5. No person shall ride or cause bicycles or scooters to be on the skating surface of the skateboarding areas.

6. No person shall use alcohol or drugs in the skateboarding area.

7. All persons using the skateboarding area must place trash in cans provided by the City or such persons shall be removed from the designated skateboarding areas.

8. No person shall cause graffiti or tagging at or near the skateboarding area.

9. No person shall skate on the curbs, sidewalks, fences, railings and/or driveways of the City owned area surrounding the skateboarding area.

B. Violations and Penalties. Violations of any provisions of Section 9.08.065 is deemed to be an infraction and is punishable as such according to the provisions of this Code and state law. (Ord. 6586 § 1, 2001)

Section 9.08.070 Camping; Permit required.

No person shall camp, lodge or remain overnight, unless there is set aside by the Park and Recreation Director certain places for this purpose and a permit has been obtained from the Park and Recreation Director. (Ord. 6526 § 2, 2000; Prior code § 25.7)

Section 9.08.080 Fires prohibited; Exceptions.

No person shall make or kindle a fire nor cook any meal within a park except in stoves or other facilities authorized and specifically provided for such purpose. In barbecue grills only charcoal is to be used. No fire shall be lit or maintained when the parks are closed, except by

written permission of the Park and Recreation Director. (Ord. 6526 § 2, 2000; Prior code § 25.8)

Section 9.08.090 Games; Restrictions.

No person shall play or engage in model airplane flying, model rockets, driving of golf balls, archery, or any game of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose. (Ord. 6526 § 2, 2000; Prior code § 25.9)

Section 9.08.100 Liquid waste and refuse.

No person shall throw any stone or brush or dispose of dishwater or other waste liquids or dispose any garbage, empty container, or other solid waste material within a park, other than in receptacles or other facilities provided for such disposal. (Ord. 6526 § 2, 2000; Prior code § 25.10)

Section 9.08.110 Park hours.

A. Hours of Operation. All parks owned by the City of Riverside or to be hereafter owned by the City of Riverside, shall be closed from thirty minutes after sunset of one day and thirty minutes before sunrise of the next day except for those uses noted in Section 9.08.110(C.) or 9.08.120.

B. Closed Parks. Subject to the exceptions as indicated in Subsection C, it shall be unlawful for any person and/or vehicle to be present in or use any closed park as indicated in Subsection A.

C. Exceptions. The park hours prohibitions listed above shall not apply to persons:

1. Attending events sponsored by the City Park and Recreation Department or the events or activities conducted pursuant to a written permit issued by the Park and Recreation Director;

2. Engaged in City business;

3. Engaged in an authorized City program or activity; or

4. Engaged in an activity at a City park or community center for which a City facility use permit authorizing use during non-daylight hours has been obtained from the Parks and Recreation Department.

D. Emergency Park Closure. Whenever a danger to the public health or safety is created in any public park by such causes as flood, storm, fire, earthquake, explosion, accident or other disaster, or by riot or unlawful assembly, the Park and Recreation Director or designee may close the area where the danger exists for the duration thereof to any and all person not authorized to enter or remain within such closed area. No unauthorized person shall willfully and knowingly enter an area closed pursuant to this section nor shall willfully remain within such area after receiving notice to evacuate or leave the area. (Ord. 6526 § 2, 2000; Prior code § 25.11)

Section 9.08.120 Reservations and permits.

A. Reservations for activities in parks and park facilities. The Park and Recreation Director or designee shall be responsible for scheduling and controlling the use of parks and park facilities, or portions thereof, for the benefit and participation by interested public and private persons and groups. Any person 18 years or older desiring to reserve any football field, soccer field, ballfield, tennis court, swimming pool, picnic facility, or other park facility, shall apply for a permit. Such application shall be in writing, giving the name of the facility, the proposed use, the date of its proposed use, and the person to whom the permit is to be granted.

The person or group to whom the permit is to be granted shall abide by the policies and procedures of that facility.

B. Reservation Procedure. Groups of any size desiring to use City parks, park facilities, or portions thereof, may request the Park and Recreation Director or his designee to reserve the same for such use. Persons or groups from within the City shall be given priority over persons or groups from outside the City if a conflict in scheduling arises. Requests for such use shall be submitted in writing to the City on the Facility Request Form approved by the Park and Recreation Director not less than 10 working days in advance and not more than 12 months of the intended use. The Park and Recreation Director may permit a shorter or longer advance request time for good cause shown. The Facility Request Form is available at the Park and Recreation Department Office. Upon the written approval by the Park and Recreation Director or his designee, the applicant must pay such fees as approved by ordinance or resolution of the City, not less than 10 working days in advance of the intended use. If the Park and Recreation Director is not satisfied as to the reasonableness of the proposed activity in relation to the use of the park by other persons, or as the effect such use might have upon the peace of the neighborhood, or if the Park and Recreation Director is unable to agree with the applicant as to the conditions to be imposed, the request for a reservation shall be processed as a Special Event Permit.

C. Conditions. The Park and Recreation Director may impose such reasonable conditions upon the issuance of any formal permit required by the City as he or she deems necessary for the protection of the public health, safety, and welfare, including, without limitation, conditions related to time, place, frequency, duration, maximum number of persons in attendance, parking restrictions, and placement of apparatus and equipment. Each permit issued pursuant to this Section shall provide that the permittee will observe all applicable regulations governing the use of City Parks.

D. Insurance. The Park and Recreation Director may also require the applicant to provide such additional liability insurance, water, sanitary facilities and refuse receptacles as the Park and Recreation Director determines to be necessary for the protection of public health, safety, and welfare in connection with the intended use.

E. Fees and Deposits. Fees and deposits required in respect to reservation permits may include, without limitation, such amounts as may be determined by ordinance or resolution of the City, to be necessary to compensate the City, for the administrative costs associated with the permit, as security for repair of damage to the park or to park facilities, for costs of cleanup, and for extra personnel to regulate conduct and traffic.

F. Clean-up and Repair Expenses. The application form shall provide that the applicant shall reimburse the City for all unusual or extraordinary cleanup and repair expenses and for services provided by the City arising out of the activity authorized by the permit.

G. Denial, Cancellation or Termination of Permit or reservation. The Park and Recreation Director may deny, cancel, or terminate the permit or reservation and to require the immediate vacation of the premises upon finding that any of the following conditions exists:

1. That the applicant has not given written agreement to comply with all the conditions imposed upon the granting of the permit;

2. That the applicant reveals that the City does not have a park or facility which will accommodate the use, or the intensity or degree of the use contemplated by the application;

3. That the proposed use is not one which by law must be permitted, and the Chief of Police or the City has determined that the use, or the intensity or degree of the use contemplated by the application creates security problems which pose a threat or potential threat to the public safety or welfare which cannot be mitigated to an acceptable level by the use of security personnel and facilities reasonable available for such purpose;

4. That the applicant failed to file the application in a timely manner;

5. That the park, park area, or park facility is not available for the requested use at the

time specified by the applicant;

6. That the applicant has failed in a material way to comply with the terms and conditions of any prior permit issued to the applicant for use of a park, park area, or park facility, or has failed to pay to the City any fee or cost due in relation to the issuance or exercise of such a permit;

7. When a hazardous condition threatens or reasonably might threaten participants, spectators, City staff, or any person or property if the requested permit were to be issued;

8. If the permit applied for is for the purpose of holding a class, course of instruction, or activity for any program not expressly sponsored, sanctioned, or scheduled by the City and for which a fee is to be charged to attendees or participants. (Ord. 6526 § 2, 2000; Ord. 3403 § 1, 1966; prior code § 25.12)

Section 9.08.130 Restroom use.

No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex, and said person shall not be allowed to go within twenty feet of such restroom, except City employees or contractors may enter upon such premises at proper hours for the purpose of cleaning, repairing, monitoring, and securing. No person shall be in the same stall with another, except children six years of age and younger or any person in need of assistance who are accompanied into such facility by an adult. No person shall cut or deface the walls of any restroom or structure within the public parks or shall cut or write thereon. (Ord. 6526 § 2, 2000)

Section 9.08.140 Smoking prohibited; Exceptions.

It is unlawful for any person to smoke or to dispose of any lighted match or cigarette, cigar ashes or any flaming or glowing substance in any area of any park or open space managed by the Park and Recreation Department and specifically designated by sign as a prohibited smoking areas by the Park and Recreation Department. The Park and Recreation Director is hereby authorized to designate the permissive and prohibited smoking areas by appropriate signs. (Ord 6526 § 2, 2000; Ord. 4628 § 1, 1978)

Section 9.08.150 Vehicle maintenance prohibited.

It is prohibited for any person, firm, or corporation to repair, lubricate, paint, prepare for painting, add to, alter or overhaul any vehicle within any park. The term add to, as used in this section, shall include within its meaning, the installation of any accessory to a vehicle. (Ord. 6526 § 2, 2000; Ord. 5228 § 1, 1984)

Section 9.08.160 Vehicles prohibited on surfaces other than roads for public use.

No person shall stop, park, ride or drive any vehicle, horse, motor vehicle, or motorcycle upon any path, trail, bridle path, or in any other area, unless it is posted or marked for parking or designated for use of travel, within a park, playground or recreation area owned or controlled by the City.

No person shall drive or otherwise operate a vehicle, as defined in California Vehicle Code Section 670, in a park or upon any surface other than those maintained and opened to the public for purpose of vehicular travel, except that vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time authorized by the Park and Recreation Director. This provision does not apply to the following:

1. Any vehicle being used for authorized City business;
2. Any police or other emergency vehicle performing an authorized mission;
3. Any vehicle which is within a park pursuant to written permission of the Park and

Recreation Director. (Ord 6526 § 2,2000; Ord. 5929 § 1, 1991)

Section 9.08.170 Water prohibitions.

No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, stream, or water within or into a park, except at such place or places authorized and provided by the City for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a fountain, pond, lake, stream, or reservoir within a park; nor shall any person throw any stone, earth, or other article into any stream, pond, or lake in any park in the City, and no person shall dislodge or remove any earth or stone from any impounding dam in any such park. (Ord 6526 § 2, 2000)

Section 9.08.180 Severability of parts of code.

It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentences, paragraph or section of this code shall be declared unconstitutional by the valid judgment of decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Ord 6526 § 2, 2000)

Chapter 9.09**PUBLIC PAY TELEPHONE REGULATIONS*****Sections:**

9.09.010	Prohibitions.
9.09.020	Nuisance declaration.
9.09.030	Abatement generally.
9.09.040	Appeal.
9.09.050	Time limit for compliance.
9.09.060	Abatement by the City.
9.09.070	Notice of hearing on report of costs.
9.09.080	Action upon report at hearing.
9.09.090	Imposition of lien.
9.09.100	Collection of costs prior to hearing.
9.09.110	Replacement.
9.09.120	Alternative prosecution.
9.09.130	Severability.

Section 9.09.010 Prohibitions.

It is unlawful for any person to install, locate or maintain a public pay telephone on unimproved or improved public or private property, contrary to the provisions in this chapter and Titles 13, 16 and 19 of this Code. (Ord. 6278 § 1 (part), 1996)

Section 9.09.020 Nuisance declaration.

Any public pay telephone which is installed, located, maintained or operated in violation of Section 9.09.010 is declared to be a public nuisance if it is used as an instrumentality for, or contributes substantially by its presence to, any of the following activities:

A. Selling or giving away controlled substances, as defined in Division 10 of the California Health and Safety Code; soliciting, agreeing to engage in, or engaging in any act of prostitution or other criminal activity;

B. Consumption of alcoholic beverages on outdoor public or private property in violation of Chapter 9.05 of this code, and except where outdoor consumption of alcoholic beverages is specifically authorized pursuant to a license issued by the Department of Alcoholic Beverage Control;

C. Loitering on public or private property under such circumstances that a reasonable person would conclude that the person who remains on the property does not have a purpose connected with the usual and ordinary use to which such property is put, does not have a bona fide intent to exercise a constitutional right, and is causing public inconvenience or annoyance;

D. Making excessive noise. (Ord. 6278 § 1 (part), 1996)

Section 9.09.030 Abatement generally.

A. Notification of Nuisance. Whenever the Chief of Police or the Chief's designee determines that any public pay telephone constitutes a public nuisance within the meaning of Section 9.09.020, the Chief of Police or such designee shall give written notice (notice to abate) to the record owner of the property upon which the pay telephone is located, or if available, the owner or other interested party of the pay telephone, stating (1) the general facts upon which the nuisance determination was made; (2) a reasonable time limit to abate the nuisance; and

(3) the right to appeal. The notice shall direct the abatement of the nuisance and refer to this chapter for particulars. The notice served shall contain a description of the property by address or other identifiable characteristics on which the pay telephone is located.

B. Manner of Giving Notice. The notice required by this chapter may be served in any one of the following manners:

1. By personal service on the pay telephone owner, if known, or the property owner upon whose property such pay telephone is located, as shown on the last available County of Riverside tax assessment roll; or

2. By certified mail addressed to the pay telephone owner, if known, or the property owner upon whose property such pay telephone is located, as shown on the last available County tax assessment roll. (Ord. 6278 § 1 (part), 1996)

Section 9.09.040 Appeal.

Within ten days from the date of giving notice, the property or pay telephone owner may file an appeal of the nuisance finding to the City Manager. Such appeal shall be in writing and shall identify the property upon which the pay telephone is located. Such notice shall be served upon the City Clerk within the time set forth above.

The City Manager shall then appoint a hearing officer to hear the appeal, which hearing officer shall not be an employee of the Police Department. The appeal must be heard within sixty days from the filing of the notice of appeal or at such later date agreed upon by the appellant. Notice of the date of the hearing shall be no sooner than five days from the date when notice of the hearing is given to the pay telephone or property owner and to the Police Chief or the Chief's designee. The decision of the hearing officer is final. (Ord. 6278 § 1 (part), 1996)

Section 9.09.050 Time limit for compliance.

The property or pay telephone owner must abate the nuisance within the period of time set forth in the notice to abate, or, in the case of an appeal, within ten days from the finding of the hearing officer or such longer period as may be determined by the hearing officer. Unless an emergency situation exists, the property or pay telephone owner shall be given at least ten days to abate the nuisance. (Ord. 6278 § 1 (part), 1996)

Section 9.09.060 Abatement by the City.

If the nuisance is not abated by the violator within the time limits set forth above, the City, by its employees or any hired contractor, may cause the nuisance to be abated. The Police Chief or the Chief's designee shall thereafter cause a report of the action and an accurate account of cost to be filed with the City Clerk. (Ord. 6278 § 1 (part), 1996)

Section 9.09.070 Notice of hearing on report of costs.

Upon the filing of the report of costs by the Chief of Police or the Chief's designee, the City Clerk shall thereupon set the report and account for hearing by the City Council at the first regular or adjourned regular meeting which will be held at least seven calendar days after the date of filing, and shall post a copy of such report and account and notice of the time and place of hearing in a conspicuous place at or near the entrance of the Council chambers. Notice of the time, date and place of the hearing will be given by mail to the property owner and telephone owner, if known. (Ord. 6278 § 1 (part), 1996)

Section 9.09.080 Action upon report at hearing.

A. The City Council shall consider the report and account submitted by the Chief of

Police or the Chief's designee at the time set for hearing, together with any objections or protests by any interested parties. Any owner of land or person interested therein may present a written or oral protest or objection to the report and account. At the conclusion of the hearing, the City Council shall either approve the report and account as submitted or as modified or corrected by the City Council.

B. The amounts so approved shall be liens upon the respective lots or premises, and the City Council shall adopt a resolution assessing such amounts as liens upon the respective parcels of land as they are shown upon the last available assessment roll. The resolution shall also describe the condition of the property which constituted the nuisance. (Ord. 6278 § 1 (part), 1996)

Section 9.09.090 Imposition of lien.

The City Clerk shall prepare and file with the County Auditor a certified copy of the resolution of the City Council assessing the costs of abatement as a lien on the land, adopted pursuant to the preceding section. The County Auditor shall enter each assessment on the County tax roll upon the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes; and if delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale as is provided for ordinary municipal taxes. (Ord. 6278 § 1 (part), 1996)

Section 9.09.100 Collection of costs prior to hearing.

The Finance Department of the City may accept payment of any amount due at any time prior to the City Council hearing on the report and account. (Ord. 6278 § 1 (part), 1996)

Section 9.09.110 Replacement.

A. If any public pay telephone constitutes a public nuisance because it is used for one or more of the activities set forth in Section 9.09.020, procedures provided for administrative abatement shall be followed, as set forth above.

B. The abatement notice issued under Section 9.09.030 shall specify that abatement will require removal of the public pay telephone, and will prohibit its replacement on the same parcel or any contiguous parcel owned by the same property owner for a period of up to one year from the date of removal.

C. Any decision of the hearing officer ordering abatement shall specify that it is unlawful for any public pay telephone to be installed on the same parcel or on any contiguous parcel owned by the same property owner for a period of up to one year from the date of removal. (Ord. 6278 § 1 (part), 1996)

Section 9.09.120 Alternative prosecution.

In addition to the administrative procedure set forth above, the City may commence a criminal prosecution against any violator of this chapter either as a misdemeanor or infraction as allowable under Section 1.01.110 of the code. (Ord. 6278 § 1 (part), 1996)

Section 9.09.130 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council declares that it would have passed this chapter and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases

may be declared invalid or unconstitutional. (Ord. 6278 § 1 (part), 1996)

Chapter 9.10

DAYTIME LOITERING BY MINORS

Sections:

- 9.10.010** Daytime loitering by minors.
- 9.10.020** Infractions and penalties.
- 9.10.030** Minor curfew, loitering or willful misconduct--Cost recovery.
- 9.10.040** Severability.

Section 9.10.010 Daytime loitering by minors.

It is unlawful for any minor under the age of eighteen years, who is subject to compulsory education or to compulsory continuation education to loiter, idle, wander, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, vacant buildings, or any unsupervised place during the operating school hours of the juvenile offender's school on days when the juvenile offender's school is in session. This section does not apply:

- A. When the minor is accompanied by his or her parent, guardian or other adult person having the care or custody of this minor; or
- B. When the minor is on an emergency errand directed by his or her parent or guardian or other adult person having care or custody of the minor; or
- C. When the minor is going or coming directly from or to their place of gainful employment or to or from a medical appointment; or
- D. To students who have permission to leave school campus for lunch or school-related activity and have in their possession a valid, school-issued, off-campus permit;
- E. When the minor is emancipated;
- F. When the minor has completed his or her high school requirement;
- G. When the minor is enrolled in a specialized program with individualized attendance requirements.
- H. When the minor is authorized to be absent from his or her school pursuant to the provisions of California Education Code Section 48205, or any other applicable State or federal law. (Ord. 6475 § 1, 1999; Ord. 6272 § 1 (part), 1996)

Section 9.10.020 Infractions and penalties.

When a person under the age of eighteen is charged with a violation of this code, and a peace officer issues a notice to appear in the consolidated Superior and Municipal Court of Riverside County to that minor, the charge shall be deemed an infraction. The penalty imposed shall be set by the Court. (Ord. 6272 § 1 (part), 1996)

Section 9.10.030 Minor curfew, loitering or willful misconduct--Cost recovery.

A. Determination by Court. When, based on a finding of civil liability or criminal conviction for violations of daytime loitering (truancy), a minor is detained and said detention required the supervision of the minor by any Riverside Police Department employee(s), the parent(s) or legal guardian(s) having custody or control of said minor shall be jointly and severally liable for the cost of providing such personnel.

B. Determination by Chief of Police. The Chief of Police or his designee may determine that the parent(s) or legal guardian(s) of the minor violating this chapter be billed for the cost of providing police services arising out of the arrest, detention and investigation of the violation of

this chapter.

C. Appeal. Any person receiving a bill for police services pursuant to this chapter may, within fifteen days after the billing date, file a written request appealing the imposition of the charges. Any billing sent pursuant to this section shall inform the billed party of the right to appeal the billing. Any appeal regarding the billing shall be heard by the City Manager, or his or her designee, as the hearing officer. Within ten days after the hearing, the hearing officer shall give written notice of the decision to the appellant. Upon the filing of a request for an appeal, payment of the bill for the police services shall be suspended until notice of the decision of the hearing officer. If the appeal is denied in part or in full, all amounts due to the City shall be paid within thirty days after notice of the decision of the hearing officer. Once a decision is issued by the hearing officer, any party may then appeal that decision to the consolidated Superior and Municipal Court of Riverside County. (Ord. 6272 § 1 (part), 1996)

Section 9.10.040 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 6272 § 1 (part), 1996)

Chapter 9.12

WEAPONS

Sections:

- 9.12.010** Definition of firearm.
- 9.12.020** Unlawful to discharge firearm within the city.
- 9.12.030** Exceptions.
- 9.12.040** Unlawful to kill wild fowl or squirrels.
- 9.12.050** Authorized destruction of birds destroying crops or property.
- 9.12.060** Nuisances - disposition of weapons.
- 9.12.065** Demonstration equipment prohibitions.
- 9.12.070** Severability.

Section 9.12.010 Definition of firearm.

In this chapter, "firearm" means a gun, pistol, rifle, air rifle or air gun, b-b gun, arrow, crossbow, or any other instrument of any kind, character or description which throws or projects a bullet or missile or substance by means of elastic force, air, or explosive substance likely to cause bodily harm. (Ord. 6423 § 1, 1998; prior code § 35.1)

Section 9.12.020 Unlawful to discharge firearm within the city.

No person may fire or discharge a firearm within the city, nor may a parent, guardian or person having the care, custody or control of a minor permit the minor to fire or discharge a firearm within the city, except as provided hereafter. (Ord. 6423 § 1, 1998; prior code § 35.2)

Section 9.12.030 Exceptions.

Section 9.12.020 does not apply to the use of a firearm by:

- A. A peace officer or person in the military service in the discharge of their duties;
- B. Persons using firearms in the defense of their persons, the life of another person, their livestock, their domestic animals or their property, to the extent authorized by law; or as otherwise authorized by a permit or license, other than a hunting license, issued pursuant to a state or federal law; or
- C. A person shooting at a mark or target at a regularly established target range, which shall be subject to regulation by ordinance of the City Council. (Ord. 6423 § 1, 1998; prior code § 35.3)

Section 9.12.040 Unlawful to kill wild fowl or squirrels.

It is unlawful within the city to shoot, trap, snare, wound, poison or kill any wild bird or wild fowl of any kind, or to take or destroy the nests or eggs or young of the same, or of any gray squirrel or other similar squirrel, other than ground squirrels. This section shall not apply to shooting a wild fowl at bonafide gun, rifle, pistol or shotgun clubs maintained as a private game reservation for the use and enjoyment of members only, which clubs shall be subject to regulation by ordinance of the City Council. (Ord. 6423 § 1, 1998; prior code § 35.4)

Section 9.12.050 Authorized destruction of birds destroying crops or property.

If any kind of birds are alleged by anyone to be doing damage to crops or property, the City Council may by resolution allow temporarily the destruction by defined means of such birds

as in its judgment are destroying crops or property in an amount sufficient to justify temporary relief. (Ord. 6423 § 1, 1998; prior code § 35.5)

Section 9.12.060 Nuisances - disposition of weapons.

A. Upon conviction of a defendant, a firearm used in the commission of, or in an attempt to commit, any violation of this code, is a nuisance.

B. Upon conviction of a defendant, any weapon described in Subsection A of this Section shall be surrendered to the Chief of Police who shall dispose of such weapon as provided by law, except that upon the certification of a judge of a court of record, the City Attorney or of the District Attorney of the County of Riverside, that the ends of justice will be subserved thereby, the weapon shall be preserved until the necessity for its use ceases. (Ord. 6423 § 1, 1998; Ord. 4918 § 1, 1981)

Section 9.12.065 Demonstration equipment prohibitions.

No person shall carry or possess while participating in any demonstration, rally, picket line or public assembly, any length of lumber, wood, or wood lath unless that object is blunt at each end and is one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-quarters inch in its thickest dimension. (Ord. 6762 § 3, 2004)

Section 9.12.070 Severability.

If any part or provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable. (Ord. 6423 § 1, 1998)

Chapter 9.16

LITTER AND LITTERING

Sections:

- 9.16.010 Short title.
- 9.16.020 Definitions.
- 9.16.030 Litter in public places.
- 9.16.040 Placement of litter in receptacles so as to prevent scattering.
- 9.16.050 Sweeping litter into gutters prohibited.
- 9.16.060 Merchants' duty to keep sidewalks free of litter.
- 9.16.070 Litter thrown by persons in vehicles.
- 9.16.080 Truck loads causing litter.
- 9.16.090 Litter in parks.
- 9.16.100 Litter in lakes and fountains.
- 9.16.110 Throwing or distributing commercial handbills in public places.
- 9.16.130 Depositing commercial and noncommercial handbills on uninhabited or vacant premises.
- 9.16.140 Prohibiting distribution of handbills where properly posted.
- 9.16.150 Distributing commercial and noncommercial handbills at inhabited private premises.
- 9.16.160 Dropping litter from aircraft.
- 9.16.170 Posting notices prohibited.
- 9.16.180 Litter on occupied private property.
- 9.16.190 Owner to maintain premises free of litter.
- 9.16.200 Litter on vacant lots.
- 9.16.210 Notice to remove.
- 9.16.220 Action upon noncompliance.
- 9.16.230 Abatement by City Manager--Filing of report and account.
- 9.16.240 Hearing upon report of costs--Notice.
- 9.16.250 Hearing--Approval of costs--Lien established.
- 9.16.260 Filing resolution assessing costs as a lien with County Auditor.

Section 9.16.010 Short title.

This chapter shall be known and may be cited as the "Riverside Anti-Litter Ordinance."
(Ord. 3422 § 1, 1966)

Section 9.16.020 Definitions.

For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Aircraft" means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" includes helicopters and lighter than air dirigibles and balloons;

"Authorized private receptacle" means a litter storage and collection receptacle as required and authorized in the ordinance regulating the disposal of garbage and waste matter in

the City;

"City" means the City of Riverside;

"Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

A. Which advertises for sale any merchandise, product, commodity, or thing; or

B. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

C. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or

D. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor;

"Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food;

"Litter" means "garbage," "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare;

"Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public;

"Noncommercial handbill" means any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper;

"Park" means a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation;

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind;

"Private premises" means any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure;

"Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, malls and buildings;

"Refuse" means all putrescible and nonputrescible solid wastes (except body wastes),

including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes;

"Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials;

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Ord. 3422 § 2, 1966)

Section 9.16.030 Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk, mall or other public place within the City except in public receptacles, in authorized private receptacles for collection, or in official City dumps. (Ord. 3422 § 3, 1966)

Section 9.16.040 Placement of litter in receptacles so as to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. 3422 § 4, 1966)

Section 9.16.050 Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street, mall or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (Ord. 3422 § 5, 1966)

Section 9.16.060 Merchants' duty to keep sidewalks free of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, mall or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter. (Ord. 3422 § 6, 1966)

Section 9.16.070 Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property. (Ord. 3422 § 7, 1966)

Section 9.16.080 Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley, mall or other public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley, mall or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (Ord. 3422 § 8, 1966)

Section 9.16.090 Litter in parks.

No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street, mall or other public place. Where public receptacles are not provided, all such litter shall be carried away from the

park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Ord. 3422 § 9, 1966)

Section 9.16.100 Litter in lakes and fountains.

No person shall throw or deposit litter or any foreign substance in any fountain, pond, lake, stream, bay or other body of water in a park, mall, or elsewhere within the City. (Ord. 3422 § 10, 1966)

Section 9.16.110 Throwing or distributing commercial handbills in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, mall or other public place within the City. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it is not unlawful on any sidewalk, street, mall or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. (Ord. 3422 § 11, 1966)

Section 9.16.130 Depositing commercial and noncommercial handbills on uninhabited or vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (Ord. 3422 § 13, 1966)

Section 9.16.140 Prohibiting distribution of handbills where properly posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. 3422 § 14, 1966)

Section 9.16.150 Distributing commercial and noncommercial handbills at inhabited private premises.

No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulation.

Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. 3422 § 15, 1966)

Section 9.16.160 Dropping litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object. (Ord. 3422 § 16, 1966)

Section 9.16.170 Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law. (Ord. 3422 § 17, 1966)

Section 9.16.180 Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (Ord. 3422 § 18, 1966)

Section 9.16.190 Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection. (Ord. 3422 § 19, 1966)

Section 9.16.200 Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not. (Ord. 3422 § 20, 1966)

Section 9.16.210 Notice to remove.

The City Manager, or his designated agent, is authorized and empowered to notify the owner of any open or vacant private property within the City or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail addressed to said owner at his last known address or may be by personal service upon the owner, or his agent. (Ord. 3422 § 21 (part), 1966)

Section 9.16.220 Action upon noncompliance.

Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter dangerous to the public health, safety or welfare within ten days after receipt of written notice provided for in Section 9.16.210, or within ten days after the date of such notice in the event the same is returned to the City Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the City Manager, or his designated agent, is authorized and empowered to pay for the disposing of such litter or to order its disposal by the City. (Ord. 3422 § 21 (part), 1966)

Section 9.16.230 Abatement by City Manager--Filing of report and account.

If the owner fails or neglects to remove the litter within the time specified in this chapter, the City Manager, or his designated agent, shall cause such litter to be removed. The removal work may be done by City crews or by private contractor. A report of the proceedings and an

accurate account of the cost of removing the litter on each separate property shall be filed with the City Council. (Ord. 3422 § 21 (part), 1966)

Section 9.16.240 Hearing upon report of costs--Notice.

The City Clerk shall thereupon set the report and account for hearing by the City Council at the first regular or adjourned regular meeting which will be held at least seven calendar days after the date of filing, and shall post a copy of such report and account and notice of the time and place of hearing in a conspicuous place at or near the entrance of the council chambers in the City Hall. (Ord. 3422 § 21 (part), 1966)

Section 9.16.250 Hearing--Approval of costs--Lien established.

The City Council shall consider the report and account at the time set for hearing, together with any objections or protests by any interested parties. Any owner of land or person interested therein may present a written or oral protest or objection to the report and account. At the conclusion of the hearing, the City Council shall either approve the report and account as submitted or as modified or corrected by the City Council.

The amounts so approved shall be liens upon the respective lots or premises, and the City Council shall adopt a resolution assessing such amounts as liens upon the respective parcels of land as they are shown upon the last available assessment roll, and determining that such litter was dangerous to the public health, safety and welfare and constituted a nuisance. (Ord. 3422 § 21 (part), 1966)

Section 9.16.260 Filing resolution assessing costs as a lien with County Auditor.

The City Clerk shall prepare and file with the County Auditor a certified copy of the resolution of the City Council assessing the costs of removal of litter as a lien on the land, adopted pursuant to Section 9.16.250. (Ord. 3422 § 21 (part), 1966)

Chapter 9.18

GRAFFITI PREVENTION, PROHIBITION, REMOVAL AND ABATEMENT PROCEDURES

Sections:

- 9.18.010 Purpose and intent.
- 9.18.015 Definitions.
- 9.18.020 Graffiti prohibited.
- 9.18.025 Possession of graffiti implements or paraphernalia prohibited.
- 9.18.030 Furnishing graffiti implements or paraphernalia to minors prohibited.
- 9.18.035 Commercial display of aerosol paint containers, paint/graffiti sticks and broad-tipped felt markers.
- 9.18.040 Graffiti removal at City expense.
- 9.18.050 Graffiti declared public nuisance.
- 9.18.060 Abatement.
- 9.18.070 Private property consent.
- 9.18.080 Public property.
- 9.18.090 Limitation of filing judicial action.
- 9.18.100 Duty to remove graffiti.
- 9.18.105 Defendant's liability for cost of graffiti abatement.
- 9.18.110 Severability.

Section 9.18.010 Purpose and intent.

It is the purpose and intent of this chapter to help prevent the spread of graffiti and to establish a program for its removal from public and private property. The spread of graffiti on public and private buildings, walls, signs and other structures or places or other surfaces causes blight within the City, resulting in a genuine threat to life, incalculable economic losses to businesses in terms of physical property, profits and goodwill, and the general deterioration of property and business values for adjacent and surrounding properties. The power of graffiti to create fear and insecurity within the community and blight upon the landscape, reducing property values and detracting from the sense of the community enjoyed by residents of Riverside is beyond the cost of cleanup or removal. Not only is graffiti a property crime, but a social crime on the quality of life and freedom from intimidation citizens desire within their neighborhoods. (Ord. 6514 § 1, 2000; Ord. 6051 § 1, 1993; Ord. 5809 § 1, 1990)

Section 9.18.015 Definitions.

"Aerosol paint container" means any aerosol container, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint, dye, or other substances.

"Felt tip marker" means any indelible marker or similar implement with a tip, at its broadest width greater than one-eighth inch, containing anything other than a solution which can be removed with water after it dries.

"Graffiti" means any unauthorized inscription, word, figure, or design that is marked, etched, scratched, drawn, or painted on any surface of public or private property, including but not limited to, buildings, walls, signs, structures or places, or other surfaces, regardless of the nature of the material of the structural component.

"Graffiti implement or paraphernalia" means any aerosol paint container, felt tip marker, paint or graffiti stick, gum label, masonry or glass drill bit, carbide drill bit, glass cutter, grinding stone, awl, carbide scribe, acid etching solutions, or etching tool or device capable of scarring any surface, including, but not limited to glass, metal, concrete or wood or any other marking implement that is commonly used to deface, damage, or destroy property; any piece, design or scrap book or drawings, illustrating graffiti marks or signs.

"Gum label" means any sheet of paper, fabric, plastic or other substance with an adhesive backing which, when placed on a surface, is not easily removed.

"Paint stick or graffiti stick" means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-sixteenth of an inch in width.

"Retail commercial establishment" means any business enterprise, including any person, partnership, association, corporation, company, or organization, which sells or trades aerosol paint containers or felt tip marker. (Ord. 6684 § 1, 2003; Ord. 6611 § 1, 2002; Ord. 6514 § 1, 2000; Ord. 6051 § 1, 1993; Ord. 5809 § 1, 1990)

Section 9.18.020 Graffiti prohibited.

A. It is unlawful for any person to write, paint, spray, chalk, etch, or otherwise apply graffiti on public or privately owned buildings, signs, walls, permanent structures, places, or other surfaces located on public or privately owned property within the City.

B. It is unlawful for any person owning or otherwise in control of any real property within the City to permit or allow any graffiti to be placed upon or to remain on any permanent structure located on the property when the graffiti is visible from the street or public or private property. (Ord. 6514 § 1, 2000; Ord. 6051 § 1, 1993; Ord. 5809 § 1, 1990)

Section 9.18.025 Possession of graffiti implements or paraphernalia prohibited.

A. It is unlawful for any person to have in his or her possession any graffiti implement or paraphernalia while in or upon any highway, street, alleyway, public park, playground, swimming pool, public recreational facility, underpass, bridge abutment, storm drain, or private property without the written consent of the owner, with the specific intent to paint, spray, chalk, etch or otherwise apply graffiti on, or deface, damage, disfigure, destroy, or mar any of the following places or things, including but not limited to: public or privately owned buildings, signs, walls, permanent structures, places or other surfaces within the City.

Exceptions:

1. A minor who is attending and is actively enrolled in a class which requires use of such implements, of which written permission from the school is in his or her possession;

2. An authorized City employee of the City of Riverside, or agent thereof, or its contractors.

B. It is unlawful for any minor (person under the age of 18) to have in his or her possession aerosol can tips, other than tips affixed to aerosol cans, and any graffiti implement or paraphernalia, not including aerosol cans, while in or upon any highway, street alleyway, public park, playground, swimming pool, public recreational facility, underpass, bridge abutment, storm drain, or private property without the written consent of the owner, whether the minor is or is not in a vehicle. This section shall not apply to any minor who is accompanied by a parent or guardian or under the immediate supervision of an adult teacher. (Ord. 6611 § 2, 2002; Ord. 6514 § 1, 2000; Ord. 6051 § 1, 1993)

Section 9.18.030 Furnishing graffiti implements or paraphernalia to minors prohibited.

It is unlawful for any person, other than a parent or legal guardian, to sell, exchange,

give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, any graffiti implement or paraphernalia to any person under the age of eighteen years without the prior written consent of the parent or lawfully designated custodian of the minor. (Ord. 6514 § 1, 2000; Ord. 6051 § 1, 1993)

Section 9.18.035 Commercial display of aerosol paint containers, paint/graffiti sticks and broad-tipped felt markers.

Retail commercial establishments or other vendors shall, pending legal sale, display aerosol paint containers, paint/graffiti sticks, acid etching solutions, and broad-tipped felt markers for sale, only in areas viewable by, but not accessible to the public. (Ord. 6684 § 2, 2003; Ord. 6514 § 1, 2000; Ord. 6051 § 1, 1993)

Section 9.18.040 Graffiti removal at City expense.

Whenever the Public Works Director or his/her designated representative determines that graffiti is so located on public or private property within the City so as to be capable of being viewed by persons utilizing any public right-of-way in the City, the Public Works Director or his/her designated representative is authorized to provide for the removal of the graffiti solely at the City's expense, without reimbursement from the property owner upon whose property the graffiti has been applied upon the following conditions:

A. In removing the graffiti, the painting or repair shall be limited to the minimum necessary to properly restore the defaced area.

B. Where a structure is owned by a public entity other than the City, the removal of the graffiti may be authorized only after securing the consent of the public entity having jurisdiction over the structure.

C. Where a structure is privately owned, the removal of the graffiti by City forces or by a private contractor under the direction of the City may be authorized only after securing the consent of the owner.

D. The City reserves the right to recover City costs and expenses pursuant to Section 9.18.105 of this Municipal Code, Penal Code Section 594, Civil Code Sections 731 and 1714.1, and Government Code Section 38771, et seq. and Welfare and Institutions Code Section 742.10 et seq. from any person who has willfully damaged property in a manner described within Section 9.18.020 of this Municipal Code. (Ord. 6514 § 1, 2000; Ord. 6051 § 1, 1993; Ord. 5809 § 1, 1990)

Section 9.18.050 Graffiti declared public nuisance.

Graffiti which the Public Works Director or his/her authorized representative has determined exists on any permanent structure in the City which is visible from a street or other public or private property is declared to be a public nuisance. (Ord. 6514 § 1, 2002; Ord. 6051 § 1, 1993; Ord. 5809 § 1, 1990)

Section 9.18.060 Abatement.

Whenever the Public Works Director or his/her authorized representative determines that graffiti on a particular structure constitutes a public nuisance and is unable to secure the consent of the owner for the City to cause the graffiti to be removed, such graffiti shall be abated as follows:

A. Notice. The Public Works Director shall cause a notice to be issued to abate such nuisance. The property owner shall have ten days after the date of the notice to remove the graffiti, or the property will be subject to abatement by the City.

B. Service of Notice. The notice to abate graffiti pursuant to this section shall cause a

written notice to be served upon the owner(s) of the affected premises, as such owner's name and address appears on the last equalized property tax assessment rolls of the County of Riverside. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this chapter may be served in any one of the following manners:

1. By personal service on the owner, occupant or person in charge or control of the property.

2. By certified mail addressed to the owner at the last known address of said owner. If this address is unknown, the notice will be sent to the property address.

The notice shall be substantially in the following form:

NOTICE OF INTENT TO REMOVE GRAFFITI

"Date:

NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti located on the property commonly known as _____, Riverside, California, which is visible to public view, within ten (10) days after the date of this notice; or, if you fail to do so, City employees or private contractors employed by the City will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of the abatement by the City employees or its private contractors will be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objection to, or interest in said matters are hereby notified to submit any objections or comments to the Public Works Director for the City of Riverside or his/her designated representative within ten (10) days from the date of this notice. At the conclusion of this ten (10) day period the City may proceed with the abatement of the graffiti inscribed on your property at your expense without further notice."

C. Appeal. Within ten days from the mailing or personal service of the notice, the owner or person occupying or controlling such premises or lot affected may appeal to the City Council of the City of Riverside. At a regular meeting or regular adjourned meeting of the City Council not more than twenty days thereafter, the Council shall proceed to hear and pass upon such appeal. The decision of the Council thereupon shall be final and conclusive.

D. Removal by City. Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the Public Works Director or his/her designated representative approves, then the Public Works Director is authorized and directed to cause the graffiti to be abated by City forces or private contract, and the City or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the City, and any paint used to obliterate graffiti shall be as close as practicable to background color(s).

E. Record of Cost for Abatement. The Public Works Director and/or the Finance Director shall keep an account of costs (including, but not limited to, court costs, attorney's fees, cost of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, incidental and administrative costs, and any law enforcement costs incurred in the investigation and apprehension of a person causing the graffiti damage) of abating such nuisance on each separate parcel of land where the work is done and shall render an itemized report in writing to the City Council showing the cost of abatement; provided, that before the report is submitted to the Council a copy shall be served in accordance with the provisions of this section, together with a notice of time when the report shall be heard by the Council for confirmation.

1. The City Council shall set the matter for hearing to determine the correctness and reasonableness of such costs.

2. The term "incidental expenses" shall include, but not be limited to, the actual

expenses and costs of the City in the preparation of notices, specifications and contracts and in inspecting the work, and the costs of printing and mailing required hereunder.

F. Report--Hearing and Proceedings. At the time and place fixed for receiving and considering the report, the City Council shall hear and pass the report of such costs of abatement, together with any objections or protests. Thereupon, the City Council may make such revision, correction or modification in the report as it may deem just, after which, by motion, the report as submitted or as revised, corrected or modified shall be confirmed. The decision of the City Council on all protests and objections which may be made shall be final and conclusive.

G. Assessment of Costs Against Property. The total cost for abating such nuisance, as confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon notice and recordation in the office of the Riverside County Recorder of a notice of lien, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment pursuant to Government Code Section 38773.5.

1. After such confirmation and recordation, a copy shall be filed with the Assessor and Tax Collector of Riverside County, acting for the City, in order that said County officials may add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or

2. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

H. Second or subsequent civil judgment. Upon the entry of a second or subsequent civil judgment within a two-year period, the City may find that an owner of property is responsible for a condition that may be abated in accordance with this code section, may request the court order treble damages pursuant to Government Code Section 38773.7. (Ord. 6514 § 1, 2000; Ord. 6051 § 1, 1993; Ord. 5809 § 1, 1990)

Section 9.18.070 Private property consent.

Property owners in the City of Riverside may consent in advance to City entry onto private property for graffiti removal purposes. The City will make forms for such consent available. (Ord. 6514 § 1, 2000; Ord. 6051 § 1, 1993; Ord. 5809 § 1, 1990)

Section 9.18.080 Public property.

Where a structure is owned by a public entity other than the City, the removal of the graffiti may be authorized only after securing the consent of an authorized representative of the public entity having jurisdiction over the structure. (Ord. 6051 § 1, 1993; Ord. 5809 § 1, 1990)

Section 9.18.090 Limitation of filing judicial action.

Any owner, lessee, occupant or other interested person having any objections or feeling aggrieved at any proceeding taken on appeal by the City Council in ordering the abatement of any public nuisance under the provisions of this chapter, must bring an action to contest such decision within thirty days after the date of such decision of the City Council. Otherwise, all objections to such decision shall be deemed waived. (Ord. 6514 § 1, 2000; Ord. 6051 § 1, 1993; Ord. 5809 § 1, 1990)

Section 9.18.100 Duty to remove graffiti.

Any person applying graffiti to any surface within the City shall have the duty to remove it

within twenty-four hours after being notified by the City, or its agents. Failure to remove the graffiti shall constitute an additional violation of this Chapter. (Ord. 6514 1, 2000; Ord. 6051 § 1, 1993)

Section 9.18.105 Defendant's liability for cost of graffiti abatement.

A. Defendant determined to be the responsible party. When the disposition of a criminal case or a proceeding pursuant to Welfare and Institutions Code Section 602 determines that the defendant in that case is responsible for creating, causing or committing the graffiti which was abated by the City, that same defendant shall be liable for all costs incurred by the City. These costs shall include, but are not limited to, court costs, attorney's fees, costs of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, and the law enforcement costs incurred by the City in the identification and apprehension of the defendant responsible for the graffiti or other inscribed material on publicly or privately owned permanent real or personal property within the City, as prescribed within Government Code Sections 38772-38773.6, 53069.3.

1. The determination of responsibility shall be presumed by any confession, admission, guilty plea, or plea of nolo contendere to any violation of Penal Code Sections 594, 594.3, 640.5, 640.6, or 640.7.

2. In the case of a minor defendant, responsibility shall be determined upon a conviction by final judgment or by the minor being made a ward of the Juvenile Court pursuant to Welfare and Institutions Code Section 602 by reason of the commission of any act prohibited under Penal Code Sections 594, 594.3, 640.5, 640.6, or 640.7.

B. City funds to be recovered. City shall recover all City funds used to remove graffiti, repair or replace graffiti damaged real or personal property within the City. These costs shall be recovered from the defendant who has been determined to be the responsible party as outlined above. These costs shall be recovered as follows:

1. Adult defendants. A civil action may be pursued to obtain a money judgment against the defendant for any amount not ordered or collected by the criminal court in which the matter was heard. Such money judgments may be filed or recorded to create a lien against personal or real property as permitted by Code of Civil Procedure Section 697.010, et seq.

2. Juvenile defendants. A civil action may be pursued to obtain a money judgment against the juvenile defendant and/or his or her parent(s) or guardian(s) having custody and control of the minor for any amount not ordered or collected by the juvenile court in which the matter was heard. Such money judgments will be filed or recorded to create a lien against personal or real property as permitted by Government Code Sections 38772, et seq.

a. Lien and personal obligation. The expense of abating the graffiti nuisance may result in a lien against the property of a minor and a personal obligation against the minor. The parent(s) or guardian(s) having custody and control of the minor shall be jointly and severally liable with the minor pursuant to Government Code Sections 38772, 38773.2 and 38773.6.

1. Notice of Intent to Lien. Notice of Intent to record a lien shall be given to the owner of record of any parcel prior to the recordation of any lien. The owner may be the minor, or the parent(s) or legal guardian having custody and control of the minor. Said notice shall be served by personal service in the same manner as a civil action in accordance with the Code of Civil Procedure Section 415.10. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy of the Notice in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Government Code Section 6062.

2. Recordation. A nuisance abatement lien shall be recorded in the County Recorder's Office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

3. Specific data. A graffiti nuisance abatement lien authorized by this section shall specify the amount of the lien; the name of the agency on whose behalf the lien is imposed; the date of the abatement order; the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed; and the name and address of the recorded owner of the parcel.

4. If the lien is discharged, released, or satisfied through payment or foreclosure, notice of the discharge containing the information specified in Subsection (3) shall be recorded by the governmental agency. A graffiti nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

5. A graffiti nuisance abatement lien may be satisfied through foreclosure in an action brought by the City.

6. The City may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

b. Special assessment. As an alternate to the nuisance lien, the City may recover its costs, as delineated above, a special assessment against the parcel of land owned by the minor or by the parent or guardian having custody and control of the minor. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes pursuant to Government Code Section 38773.7.

c. Second or subsequent criminal judgment. Upon the entry of a second or subsequent criminal judgment within a two-year period, the City may find that an owner of property is responsible for a condition that may be abated in accordance with this code section, may request the court order treble damages pursuant to Government Code Section 38773.7. (Ord. 6514 § 1, 2000)

Section 9.18.110 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council hereby declares that it would have passed this chapter and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 6514 § 1, 2000; Ord. 6051 § 1, 1993)

Chapter 9.20**EMERGENCY MANAGEMENT AND DISASTERS****Sections:**

- 9.20.010 Purposes.**
- 9.20.020 Definitions.**
- 9.20.030 Director of Emergency Services.**
- 9.20.040 Assistant Director of Emergency Services.**
- 9.20.050 Director of Emergency Services Powers and Duties.**
- 9.20.060 Declaration of Local Emergency.**
- 9.20.070 Termination of Local Emergency.**
- 9.20.080 Legality of Initial Emergency Measures.**
- 9.20.090 Emergency Expenditures.**
- 9.20.100 Office of Emergency Management.**
- 9.20.110 Emergency Services Manager.**
- 9.20.120 Emergency Services Manager Powers and Duties.**
- 9.20.130 Emergency Operations Plan.**
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- 9.20.160 Emergency Operations Center.**
- 9.20.170 Emergency Operations Center Direction and Control.**
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- 9.20.190 Employees as Disaster Service Workers.**
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- 9.20.300 Lines of Succession – Department Heads and Key Officials.**
- 9.20.310 Powers of Succession.**
- 9.20.320 Punishment of Violations.**
- 9.20.330 Repeal of Conflicting Ordinances.**
- 9.20.340 Severability.**

Section 9.20.010 Purposes.

The purposes of this Chapter are to provide for; the preparation and carrying out of plans for the protection of persons and property within this City in the event of extraordinary emergencies or disasters; the direction of the City emergency organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations and affected private persons. (Ord. 7115 § 1, 2011; Ord. 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.020 Definitions.

When used in the context of this Chapter, the following words, terms, and phrases shall have the meanings respectively ascribed to them by this Section:

Activate - As used in this Chapter, shall mean the placing into operation of the Emergency Organization hereinafter provided for, upon the receipt of official warning of an impending or threatened emergency, or upon the declaration of the existence of a local emergency.

Continuity of Government - As used in this Chapter, shall mean all measures taken to ensure the continuity of essential functions of government in the event of emergency conditions, including lines of succession for key decision makers and officials.

Director of Emergency Services - As used in this Chapter, shall mean the individual having jurisdiction and authority over the City's response and recovery to extraordinary emergencies and disasters. The City Manager serves as the Director of Emergency Services.

Disaster Service Worker - As used in this Chapter, shall mean any person registered with a disaster council or the Governor's Office of Emergency Services, or a state agency granted authority to register disaster service workers, for the purpose of engaging in disaster service work pursuant to the California Emergency Services Act without pay or other consideration. Disaster service worker includes public employees, and also includes any unregistered persons impressed into service during a state of war emergency, a state of emergency, or a local emergency by a person having authority to command the aid of citizens in the execution of his or her duties.

Emergency - As used in this Chapter, shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, drought, sudden and severe energy shortage, plant or animal infestation or disease, or other conditions, including conditions resulting from war or imminent threat of war, severe or imminent threat of terrorist attack, but other than conditions resulting from a labor controversy, which conditions are or are likely to require the combined services, personnel, equipment and facilities of this city.

Emergency Operations Center - As used in this Chapter, shall mean the location from which centralized city emergency management is performed.

Inability to Act - As used in this Chapter, shall mean that an official is either killed, missing, or so seriously ill or injured as to be unable to attend meetings and otherwise perform his/her duties. Any question as to whether a particular official can be deemed to have an "inability to act" shall be settled by the City Council or any remaining available members of the City Council (including standby officers who are serving on such body).

Local Emergency - As used in this Chapter, shall mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the County of Riverside or the City of Riverside, caused by such conditions as air pollution, fire, flood, storm, epidemic, pandemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or other conditions, including conditions resulting from war or imminent threat of war, severe or imminent threat of terrorist attack, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the State Public Utilities Commission.

Multi-Agency or Inter-Agency Coordination - As used in this Chapter, shall mean the participation of agencies and disciplines involved at any level of the Standardized Emergency Management System (SEMS) organization working together in a coordinated effort to facilitate decisions for overall emergency response activities, including the sharing of critical resources

and the prioritization of incidents.

National Incident Management System - As used in this Chapter, shall mean the adopted national emergency management processes, protocols, and procedures for Federal, State, tribal and local responders. National Incident Management System (NIMS) utilizes the Incident Command System (ICS), Resource Management, Joint Information Management System, Communication and Information Management and Preparedness policies. NIMS is consistent with SEMS.

Operational Area - As used in this Chapter, shall mean an intermediate level of State emergency services organization, consisting of a county and all political subdivisions within the county area. Each county geographic area is designated an operational area for the coordination of emergency activities and to serve as a link in the system of communications and coordination between the State's emergency operations centers and the operations centers of the political subdivisions comprising the operational area, as defined in Government Code Sections 8559 (b) and 8605. This definition does not change the definition of operational area as used in the existing fire and rescue mutual aid system.

Standardized Emergency Management System - As used in this Chapter, shall mean the adopted State Emergency Management System. The Standardized Emergency Management System (SEMS) utilizes the Incident Command System (ICS), Multi/Interagency Coordination, Mutual Aid, and the Operational Area Concept to facilitate emergency incident management, priority setting, interagency cooperation and the efficient use of resources and flow of information during an emergency. SEMS is consistent with NIMS.

State of Emergency - As used in this Chapter, shall mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, pandemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or other conditions, other than conditions resulting from a labor controversy or conditions causing a state of war emergency, which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the State Public Utilities Commission.

State of War Emergency – As used in this Chapter, shall mean the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this State or Nation is attacked by an enemy of the United States, or upon receipt by the State of a warning from the Federal government indicating that such an enemy attack is probable or imminent. (Ord. 7115 § 1, 2011; Ord. 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.030 Director of Emergency Services.

There is hereby created the position of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.

The City Manager shall act as the Director of Emergency Services and shall have full authority over a declared emergency. In the absence, or in the inability to act, of the City Manager, he/she shall automatically be succeeded as Director of Emergency Services by the following officials in the order named:

- (1) Assistant City Manager
- (2) Assistant City Manager/Chief Financial Official
- (3) Fire Chief
- (4) Police Chief
- (5) Public Utilities General Manager

- (6) Public Works Director (Ord. 7115 § 1, 2011; Ord 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.040 Assistant Director of Emergency Services.

There is hereby created the position of Assistant Director of Emergency Services. The Assistant City Manager as designated by the Director shall be the Assistant Director of Emergency Services. The Assistant Director of Emergency Services shall serve as assistant to the Director of Emergency Services or in his/her absence or inability to act, as the Director of Emergency Services. (Ord. 7115 § 1, 2011; Ord 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.050 Director of Emergency Services Powers and Duties.

The Director of Emergency Services is empowered to:

1. Request the City Council to proclaim the existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter, or the proclamation shall have no further force or effect. Pursuant to Government Code Section 8630, the City Council shall review, at least every fourteen (14) days until such local emergency is terminated, the need for continuing the local emergency and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant.
2. Request the Governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.
3. Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this title.
4. Direct cooperation and coordination of services and staff of the emergency organization of this City, and resolve questions of authority and responsibility that may arise between them.
5. Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
6. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council.
7. To obtain vital supplies, equipment and such other properties found lacking and required for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use. In so acquiring such property, the City waives no immunities and incurs no liabilities other than those at common law or those liabilities created by applicable State or Federal law.
8. To require emergency services of any City officer or employee and to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers.
9. To requisition necessary personnel or material of any City department or agency.
10. To execute all of his/her ordinary power as City Manager, all of the special powers conferred upon him/her by this title or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority. (Ord. 7115 § 1, 2011; Ord 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.060 Declaration of Local Emergency.

A Local Emergency may be declared upon such situation of extreme peril that immediately or that such likelihood that extreme peril is imminently likely to threaten lives and

property; and by reason of its magnitude is or is likely to become beyond the control of the normal services, personnel, equipment and facilities of the regularly constituted branches and departments of the City government.

The Director of Emergency Services may request of the City Council to proclaim the existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter, or the proclamation shall have no further force or effect. The City Council shall review, at least every thirty (30) days until such local emergency is terminated, the need for continuing the local emergency and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant. (Ord. 7115 § 1, 2011; Ord 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.070 Termination of Local Emergency.

The Director of Emergency Services or the City Council shall declare and publicize the termination of such local emergency at the earliest possible date that conditions warrant. The local emergency may be terminated by allowing the declaration to expire by not ratifying such declaration within seven (7) days of the original declaration or every thirty (30) days thereafter. Upon the declaration of termination of the local emergency by the Director of Emergency Services or the City Council, such rules, regulations, orders and directives shall terminate and be of no further force or effect. (Ord. 7115 § 1, 2011; Ord 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.080 Legality of Initial Emergency Measures.

All emergency measures taken by the Director of Emergency Services prior to the issuance of an official declaration of emergency, or prior to any decision by the City Council not to issue such declaration, shall be legal and binding on the City of Riverside. (Ord. 7115 § 1, 2011; Ord 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.090 Emergency Expenditures.

The Director of Emergency Services, during a declared disaster, shall have the authority to approve contracts and waive the normal purchasing requirements as necessary to support the Emergency Organization (as defined in Section 9.20.140) and to protect the life and property of the citizens of the City of Riverside. The purchase of supplies, materials, equipment and services may be made without the benefit of the bidding requirements set forth herein when an item of supply, material, equipment and service, is immediately necessary for the continued operation of a department, or for the preservation of life or property, or when such purchase is required for the health, safety and welfare of the people, provided that there is a present, immediate and existing emergency.

In addition, during a declared disaster or public calamity such as an earthquake, major fire or national disaster, the Director of Emergency Services shall have spending authority up to twenty-five (25) million dollars to execute purchases which must be made to protect life and property. The Chief Financial Officer shall maintain a detailed accounting of all expenditures related to the emergency and submit upon termination of such emergency, a detailed report to the City Manager who, in turn, will provide the report to the City Council. (Ord. 7115 § 1, 2011; Ord. 6354 § 1, 1997; Ord. 5788 § 1, 1990; Ord. 3948 § 1 (part), 1972)

Section 9.20.100 Office of Emergency Management.

There is hereby created the Office of Emergency Management (OEM) for the City of Riverside. The Office of Emergency Management shall be located within the Fire Department. The Office of Emergency Management shall be responsible for the coordination and

management of all City emergency preparedness, planning, prevention, mitigation, readiness, and recovery activities. (Ord. 7115 § 1, 2011; Ord. 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.110 Emergency Services Manager.

There is hereby created the position of Emergency Services Manager who shall manage the day-to-day affairs of the Office of Emergency Management and the City's emergency management program; have certain other emergency management functions as relating to the development of emergency plans; the management of the City's emergency programs; and the performance of such other duties and responsibilities as may be assigned to him/her by the Director of Emergency Services. (Ord. 7115 § 1, 2011; Ord. 6657 § 1, 2003; Ord. 6354 § 1, 1997; Ord. 5503 § 1, 1987; Ord. 3948 § 1 (part), 1972)

Section 9.20.120 Emergency Services Manager Powers and Duties.

The Emergency Services Manager shall, prior to the existence of a "state of war emergency", a "state of emergency" or a "local emergency":

- (1) Coordinate all City activities as it relates to emergency preparedness, mitigation, prevention, response and recovery;
- (2) Develop and coordinate basic disaster planning for the City; to provide for the use of all governmental entities; resources and equipment; all commercial and industrial resources; and all such special groups, bodies and organizations as may needed to support disaster operations;
- (3) Prepare and maintain the basic emergency plans for the City and submit such plans to the Director of Emergency Services;
- (4) Develop and coordinate such disaster training programs and exercises as may be required;
- (5) Develop and coordinate a public information program designed for basic self-protection;
- (6) Coordinate planning and training with other City, County, State, Federal, military and other disaster relief organizations;
- (7) Represent the City in all dealings with public and private agencies pertaining to emergency planning;
- (8) Recommend to the Director of Emergency Services for referral to the City Disaster Council matters for consideration within the purview of the Council's responsibilities;
- (9) Recommend to the Director of Emergency Services matters of policy for consideration by the City Council insofar as they relate to disasters;
- (10) Serve as staff advisor to the Director of Emergency Services on matters related to emergency preparedness, mitigation, prevention, response and recovery. (Ord. 7115 § 1, 2011; Ord. 6354 § 1, 1997; Ord. 5503 § 1, 1987; Ord. 3948 § 1 (part), 1972)

Section 9.20.130 Emergency Operations Plan.

The Emergency Services Manager shall be responsible for the development and maintenance of the City of Riverside Emergency Operations Plan (EOP). The City Disaster Council shall be responsible for providing required input into the EOP and training and exercising the EOP insofar as to their identified emergency support functions and responsibilities. This plan shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency; and shall provide for the organization, powers and duties, services and staff of the emergency organization. The Emergency Operations Plan shall comply with all of the requirements and components of the Standardized Emergency Management System (SEMS) for the State of California and the Federal National Incident Management System (NIMS).

Such plan shall take effect upon adoption of the plan by resolution of the City Council. (Ord. 7115 § 1, 2011; Ord. 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.140 Emergency Organization.

There is hereby created an Emergency Organization of the City of Riverside hereinafter referred to in this Chapter as the City Emergency Organization. Said organization shall constitute the operational forces deemed necessary to meet the conditions of a local emergency. All officers and employees of this City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of this title, be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the City of Riverside Emergency Organization. (Ord. 7115 § 1, 2011; Ord. 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.150 Activation of Emergency Organization.

Upon receipt of official warning of impending or threatened emergency, or upon the declaration of a local emergency, the City of Riverside Emergency Organization shall be immediately activated and all or such portions of its organization or personnel as the Director of Emergency Services may direct, shall be called into service. Emergency Organization activities will be consistent with the Standardized Emergency Management System and the National Incident Management System. (Ord. 7115 § 1, 2011; Ord. 6354 § 1, 1997; Ord. 3948 § 1 (part), 1972)

Section 9.20.160 Emergency Operations Center.

The Emergency Operations Center (EOC) for the City of Riverside shall be the centralized point for coordination of the response and recovery to Local Emergencies and the City Emergency Organization. The Emergency Operations Center may be activated at the request of any division or City department and upon concurrence by the Director of Emergency Services, notwithstanding the absence of a declaration of local emergency. The City Emergency Operations Center shall be maintained in a constant state of readiness which is consistent with state, national and professional standards. The City will maintain an Alternate Emergency Operations Center (AEOC) which is consistent with state, national and professional standards. The Office of Emergency Management is responsible for the maintenance and management of both EOC and AEOC. (Ord. 7115 § 1, 2011; Ord. 6354 § 1, 1997; Ord. 5258 § 8, 1985; Ord. 3948 § 1 (part), 1972)

Section 9.20.170 Emergency Operations Center Direction and Control.

For the purposes of this Chapter, the Emergency Operations Center for the City of Riverside and the City Emergency Organization shall be under the direction and control of the Director of Emergency Services. For the period of a local emergency, the Director of Emergency Services shall serve as Emergency Operations Center Director. The Director of Emergency Services may delegate to the Assistant Director of Emergency Services all matters within the purview of this Chapter including the direction and control of the Emergency Operations Center and the City Emergency Organization. The Emergency Services Manager shall serve as staff advisor to the Emergency Operations Center Director during local emergencies and as Emergency Operations Center Manager at all times. Emergency Operations Center activities will be consistent with the Standardized Emergency Management System and the National Incident Management System. (Ord. 7115 § 1, 2011)

Section 9.20.180 Emergency Operations Activation and Staffing.

For the purposes of this Chapter, the Emergency Operations Center shall be activated

and staffed in accordance with the current promulgated City of Riverside Emergency Operations Plan. (Ord. 7115 § 1, 2011)

Section 9.20.190 Employees as Disaster Service Workers.

As used in this Chapter, all persons employed by the City of Riverside are considered disaster service workers and subject to assignment of disaster service duties. Disaster service duties include assisting any unit of the emergency organization or performing any act contributing to the protection of life or property, or mitigating the effects of an emergency or potential emergency. Disaster Service Worker is defined in accordance with Government Code Section 3100, et seq.

In addition to employees, certain classes of volunteers are considered Disaster Service Workers in accordance with Government Code Section 3100, et seq. for the purpose of engaging in disaster service pursuant to the California Emergency Services Act without pay or other consideration. (Ord. 7115 § 1, 2011)

Section 9.20.200 Policy Group Membership.

The City of Riverside Policy Group is hereby created and shall consist of the following:

- a. City Manager, who shall be chairperson, and serve as the Director of Emergency Services;
- b. Assistant City Manager;
- c. Assistant City Manager/Chief Financial Officer;
- d. Mayor;
- e. Mayor Pro Tem;
- f. Chairperson – Public Safety Committee;
- g. Fire Chief;
- h. Police Chief;
- i. Director - Development Department;
- j. Director - Community Development Department;
- k. Director - Human Resources Department;
- l. Chief Information Officer;
- m. Director - Parks, Recreation and Community Services Department;
- n. General Manager - Public Utilities Department;
- o. Director - Public Works Department;
- p. City Clerk, who shall serve as secretary to the Policy Group;
- q. Emergency Services Manager, who shall serve as advisor to the Policy Group;
- r. City Attorney, who shall serve as legal advisor to the Policy Group. (Ord. 7115 § 1, 2011)

Section 9.20.210 Policy Group Powers and Duties.

It shall be the duty of the City of Riverside Policy Group, to assist the Director of Emergency Services with overall management objectives and policy decisions during times of emergencies. The City of Riverside Policy Group serves during the response and recovery phases of a disaster. The Policy Group shall be activated upon activation of the Riverside Emergency Operations Plan, by declaration of a Local Emergency, or by direction of the Director of Emergency Services. (Ord. 7115 § 1, 2011)

Section 9.20.220 Disaster Council Membership.

The City of Riverside Disaster Council is hereby created and shall consist of the following:

- a. City Manager, who shall be chairperson, and shall also be a member of the Riverside County Disaster Council;

- b. Assistant City Manager;
- c. Assistant City Manager/Chief Financial Officer;
- d. Mayor, or in his/her absence Mayor Pro-Tem;
- e. Fire Chief;
- f. Police Chief;
- g. Director - Airport Department;
- h. Director - Community Development Department;
- i. Director - Development Department;
- j. Director - Finance Department;
- k. Director - General Services Department;
- l. Director - Human Resources Department;
- m. Chief Information Officer;
- n. Director - Library;
- o. Director - Museum;
- p. Director - Parks, Recreation and Community Services Department;
- q. General Manager - Public Utilities Department;
- r. Director - Public Works Department;
- s. Chairperson - Public Safety Committee;
- t. Such representatives of civic, business, labor, professional, or other organizations having an official emergency responsibility, as may be appointed by the chairperson with the advice and consent of the City Council;
- u. City Clerk, who shall serve as secretary to the Disaster Council;
- v. Emergency Services Manager, who shall serve as advisor to the Disaster Council;
- w. City Attorney, who shall serve as legal advisor to the Disaster Council. (Ord. 7115 § 1, 2011)

Section 9.20.230 Disaster Council Powers and Duties.

The City of Riverside Disaster Council is established in accordance with Government Code Section 8610. It shall be the duty of the City of Riverside Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The City of Riverside Disaster Council serves pre-disaster activities and as an organizational unit does not have a direct role in emergency response or recovery activities. (Ord. 7115 § 1, 2011)

Section 9.20.240 Disaster Council Meetings.

The Disaster Council shall meet once a year and as necessary upon call of the chairperson, or in his or her absence from the City or inability to call such meeting, upon call of the vice-chairperson. (Ord. 7115 § 1, 2011)

Section 9.20.250 Participation in the Riverside County Operational Area.

The City of Riverside will participate in the County of Riverside Operational Area disaster response and recovery organization as required by Government Code Section 8605. As part of that participation, the City hereby adopts both the California Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). The framework of these systems includes use of the incident command system (ICS), multi-agency or interagency coordination, participation in the master mutual aid agreement and systems of the State of California, and the Operational Area Concept. (Ord. 7115 § 1, 2011)

Section 9.20.260 Powers of the City Council.

The City Council is hereby empowered to enact such ordinances, resolutions or rules to prevent against, mitigate, and prepare for aid in the response or recovery to all such foreseeable or unforeseeable emergencies and disasters.

During a local emergency the City Council may promulgate orders and regulations necessary to provide for the protection of life and property, including orders and regulations imposing curfew within designated boundaries where necessary to preserve the public order and safety, orders against price fixing, and all other orders necessary to protect lives and property. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice.

Whenever a local emergency is declared by the Director of Emergency Services, the Emergency Services Manager of the City Office of Emergency Management shall prepare, with assistance of the City Attorney, a resolution ratifying the existence of a local emergency and the need for continuing the state of local emergency. The resolution shall be submitted by the Director of Emergency Services to the City Clerk for presentation to the City Council. The City Council shall approve or disapprove said resolution within seven (7) days from the date of the original declaration by the Director of Emergency Services and at least every thirty (30) days thereafter unless the state of emergency is terminated sooner. (Ord. 7115 § 1, 2011)

Section 9.20.270 Continuity of Government.

The continuity of local government during a local emergency, state of emergency, or state of war emergency requires minimum precautions in accordance with Government Code Section 8635, et seq. To fulfill this responsibility, the City of Riverside will provide for standby officers for City Council members, lines of succession for key City officials and department heads, alternate government facilities, protection of vital records, and adequate plans to provide for the continuance of essential governmental services during times of disasters and times of recovery to said disasters. (Ord. 7115 § 1, 2011)

Section 9.20.280 City Council Standby Officers.

The continuity of local government during a local emergency, state of emergency, or state of war emergency requires minimum precautions in accordance with Government Code section 8635, et seq. Each member of the City Council may appoint and designate by filing with the City Clerk the names of at least three qualified electors and their succession order from his or her ward who would fill his or her office as his or her standby officer in the event that such member is unavailable as defined in Government Code Section 8636, et seq. Any such appointee may be replaced by the appointing member at any time and for any reason. All such appointments and changes shall be in writing.

a) Each person so appointed as standby officer shall take the oath of office and shall deliver to the City Clerk within ten days after his or her appointment a written declaration under oath that he or she accepts the appointment and will faithfully perform the obligations imposed upon him or her thereby.

b) The duties of the standby officer are as stated in Government Code Section 8641, or its successor.

c) Standby officers shall be designated numbers 1, 2 and 3, as the case may be.

d) The qualifications of each standby officer should be carefully investigated, and the City Council may request the Chief of Police to aid in the investigation of any prospective appointee. No examination or investigation shall be made without the consent of the prospective appointee.

e) Each standby officer shall take the oath of office required of the person occupying the office for which he or she stands by. Persons appointed as standby officers shall

